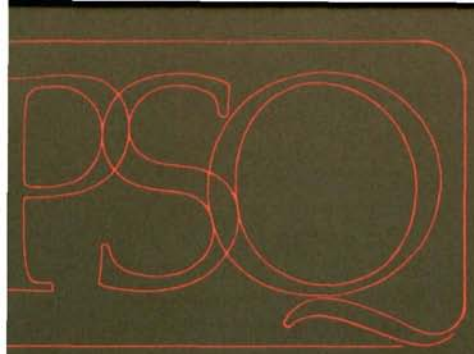

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CENTENNIAL YEAR 1886–1986

POLITICAL SCIENCE QUARTERLY is a nonpartisan journal devoted to the study of contemporary and historical aspects of government, politics, and public affairs.

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From the Editor:

In this issue . . .

JAMES L. SUNDQUIST concludes from his analysis of public opinion and other data that Americans have *not* lost their social conscience. He predicts that with the inevitable swing of the political pendulum, conscience will again be vigorously expressed through governmental policy, and he adds some advice for liberals on how to speed the pendulum's movement in their direction.

WILLIAM deB. MILLS evaluates the surface thaw in Sino-Soviet relations during Gorbachev's first year in office. He finds that the current movement toward normalized state relations masks an enduring split in strategic interests that is likely to continue provoking rivalry.

BOB BUZZANCO explores the objections raised by important American military leaders to the Vietnam war. He contends that it is erroneous to claim that politicians and domestic interests prevented a military victory, since the military itself was openly divided over Vietnam.

PIETRO S. NIVOLA examines the expanding protectionist sentiment in the United States and compares its underlying political forces with those in the past. Among the influences he analyzes are interest group alignments, regional divisions, partisan politics, legislative-executive relations, and ideology.

JEAN S. HOLDER considers the contemporary debate on sources of presidential power. She uses the war crisis of John Adams's administration as a test case for evaluating the argument that constitutional power is the foundation of the president's authority and ability to command.

CHERYL BENARD analyzes the growing international population of refugees as a new kind of political entity with its own political processes, foreign and domestic politics, and socio-psychological dynamics.

DAVID G. SMITH describes the British approach to the protection of civil liberties. He argues that these liberties are less adequately protected today because of a British failure to adapt legal institutions effectively to modern social and political conditions.

ROBERT D. REISCHAUER reviews the value for social scientists of David Stockman's book *The Triumph of Politics*. He suggests that the attention given by the media to Stockman's biting characterizations of his administration colleagues and associates on Capitol Hill has diverted attention from insights the book provides into how unsystematically the most important budgetary policy decisions of the 1980s were made.

DEMETRIOS CARALEY

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Has America Lost Its Social Conscience—And How Will It Get It Back?

JAMES L. SUNDQUIST

Exactly twenty years ago, in a burst of national euphoria and confidence, President Lyndon Johnson and the Congress completed the enactment of the Great Society—the greatest spate of domestic legislation in thirty years and one of the most exuberant expressions of social conscience in our history. The Great Society dealt forcefully with virtually every social problem that activists and reformers at that time had been agitating about. And the country felt good about it. The Congress that passed those historic measures had a popular approval rating certainly exceeding that of any Congress since, and probably higher than that of any Congress since the 1930s—71 percent approval late in 1965 by a Louis Harris poll.[1] And President Johnson was riding nearly as high; his approval rating in the Gallup poll was in the high 60s and 70s throughout most of that climax year of the Great Society.

The legislative outpouring of 1964–65 was a surge of national compassion. True, some of the legislation of the period conferred its benefits on the rich, the middle class, and the poor alike—Medicare, for instance, and environmental measures. But the central measures of the Great Society were designed specifically to bring aid and opportunity to the poor and the dispossessed. The great civil rights measures guaranteed equal social and political rights, and the War on Poverty aimed to en-

[1] *Washington Post*, 4 January 1966.

JAMES L. SUNDQUIST, senior fellow emeritus at The Brookings Institution, is the author of numerous books and articles on governmental and political institutions, including *Dynamics of the Party System*, *The Decline and Resurgence of Congress*, and *Constitutionalism, Reform, and Effective Government.*

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hance economic opportunity. The long-delayed federal aid for elementary and secondary education took the form of assistance for disadvantaged children. Depressed areas bills brought aid to the geographically disadvantaged, and jobs and training measures helped the unemployed. While Medicare benefited every old person, the impetus for its passage came from those concerned with sick, old people who lacked medical care because they could not pay their bills—or who, in paying for health care, had to deprive themselves of other necessities of life. Books about America's underclass, like Michael Harrington's *The Other America* got through to presidents in those days, and presidents acted on what they learned.

But for a decade now, and especially during the last five years, supporters of governmental programs for the poor and the disadvantaged have been in retreat, outgunned and outnumbered in a defensive battle, and much of the time they have been losing. The term "liberal" has become almost an epithet in political debate, and even "compassion" is something of a dirty word. Many agree with the bitter summation of Sargent Shriver, the man whom Lyndon Johnson made his commanding general of the War on Poverty. "A sense of caring has been lost," Shriver told a gathering of onetime poverty warriors at the Lyndon Baines Johnson Library in Texas. "Nobody cares about anybody else any more. Especially nobody cares about anybody who's a loser."[2]

Is that really true? Has America indeed ceased to care? Has it lost its social conscience? A glance at the latest annual report entitled *Giving USA*, published by the American Association of Fund-Raising Counsel, would seem to indicate otherwise. That report shows a steady rise in total giving year after year (see Table 1), as well as in giving for social services—to the United Way and kindred charitable organizations. As a percentage of the gross national product—a more significant indicator—giving declined during the 1970s but rose rather briskly in the 1980s, reaching a level in 1984 about the same as a quarter of a century earlier in the late 1950s. The fluctuations between those dates appear to reflect the state of the national economy rather than any change in public attitudes. Total giving in proportion to national resources rose during the prosperous 1960s, declined during the years of high inflation during the 1970s, and turned up again in the 1980s when inflation was brought gradually under control. Indeed, there is a remarkable correlation between the rate of inflation and the rate of giving. In every year since 1956 that the inflation rate was less than 6 percent, giving was more than 2 percent of the gross national product. In every year that the consumer price index rose by more than 6 percent—that is, the years 1973 to 1982, inclusive—the giving rate fell below 2 percent. What happened, it seems clear, is that during the decade of high inflation givers simply did not apply a full automatic cost of living increase to their charitable contributions. But after the low point in 1978, they raised their giving at a rate faster than the rate of inflation. In the last three or four years,

[2] Quoted by Robert Shogan, "Feeling Bad about Doing Good: The Great Society Conclave," *Public Opinion* (April/May 1985): 19.

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TABLE 1

Total Annual Giving, 1955–84, and Giving for Social Services, 1970–84

Year	Total Giving (Billions of $)	Total Giving as % of GNP	Giving for Social Services (Billions of $)	Social Giving as % of GNP	Social Giving as % of Total Giving
1955–59 (av.)	9.03	2.05			
1960–64 (av.)	12.21	2.15			
1965–69 (av.)	17.47	2.15			
1970	21.02	2.12	2.88	.29	13.7
1971	23.44	2.17	2.92	.27	12.5
1972	24.48	2.06	2.99	.25	12.2
1973	25.70	1.94	3.06	.23	11.9
1974	26.98	1.88	3.12	.22	11.6
1975	28.61	1.85	3.04	.20	10.6
1976	32.06	1.87	3.06	.18	9.5
1977	36.34	1.89	3.52	.18	9.7
1978	38.95	1.80	3.97	.18	10.2
1979	43.69	1.81	4.45	.18	10.2
1980	49.08	1.86	4.83	.18	9.8
1981	55.88	1.89	5.42	.18	9.7
1982	60.07	1.96	6.33	.21	10.5
1983	66.82	2.02	6.94	.21	10.4
1984	74.25	2.03	8.01	.22	10.8

Sources: Figures on giving from American Association of Fund-Raising Counsel, Inc., *Giving USA*, annual report 1985, 41, 76. Gross National Product data used in computation are from *Economic Report of the President*, 1985, 232. The 1985 report does not show social-service giving for the years prior to 1970.

the cut in tax rates and the increased confidence in the economic outlook also probably contributed to the upturn.

When total giving turned down, contributions to social service organizations declined in the aggregate more than gifts to other organizations—educational, religious, health, and so on. From nearly 14 percent of total giving in 1970, the share for the social services fell to 10 percent or below during the years of highest inflation, but in the 1980s they have recovered at a faster rate than their competitors, approaching 11 percent in 1984. Giving to charitable organizations is an easy and natural place to skimp when people feel pinched, but it also displays an ability to recover when people feel more flush and confident in their economic prospects.

In addition to money, Americans contribute an enormous number of hours of volunteer work to charitable organizations. Trend figures on these contributions are not published in *Giving USA*, but at least one set of data is worth notice. The Gallup poll has asked on three occasions, in identical language, whether its respondents are personally "involved in any charity or social service activities, such as

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helping the poor, the sick or the elderly?" The proportion answering yes was 27 percent in 1977, 29 in 1981, and 31 in December 1984, which suggests a healthy warming trend in the national social conscience—or, at the very least, allowing for a margin of error, no cooling.[3]

Examined in the light of changing economic circumstances, the data show essentially stable habits of charitable giving. Certainly there is nothing to suggest a drastic change in America's social conscience, in its sense of caring. But if Americans as individuals have not suffered a loss of social conscience, why have they chosen, and continue to support, a national government that has? Surely that was what was bothering Sargent Shriver when he lamented that nobody cares about anybody any more. He did not mean the United Way and the charitable religious bodies and all the people who continue to contribute generously to them. He meant Ronald Reagan and the Republican Senate and the Democratic House of Representatives. The anomaly is that the same people who support the United Way and other private charities have placed in office—and sustained there—a leadership more bitterly hostile to the government's whole structure of social legislation than the country has known since the foundations of that structure were laid half a century ago.

To explore this paradox, we have to dip into the store of data on public attitudes toward the poor and toward government and politics as collected by the many public opinion polling organizations that have flourished in recent decades. It is a rich store of data. And when these data are mined, four distinct patterns can be discerned.

Public Opinion Pattern 1: The People Maintain Deep Sympathy and Concern for the Poor

Surveys that probe directly into public attitudes toward poor people confirm what the healthy figures on private giving suggest: Most Americans look on the poor with feelings of sympathy, concern, charity, and generosity. They do not blame the poor people themselves for their plight.

One of the most comprehensive national surveys of this cluster of attitudes, conducted by the *Los Angeles Times* in April 1985, found that by margins of two-to-one or better Americans believe that the poor are hard-working rather than lazy, that most poor people would rather earn their own livings than stay on welfare, and that the inferior status of poor people is not mainly due to any lack of inborn ability to get ahead. The analysts who interpreted this poll for the *Times* and for *Public Opinion* magazine concluded from the entire range of data (about a hundred questions were asked) that "the American public has an enormous reserve of sympathy for the poor and their plight" and that there is "precious little evidence of 'a new selfishness' in American culture."[4]

[3] *Public Opinion* (June/July 1985): 30.

[4] I. A. Lewis and William Schneider, "Hard Times: The Public on Poverty," *Public Opinion* (June/July 1985): 2.

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The regular pre-election poll conducted in 1984 by the University of Michigan's Center for Political Studies (CPS) produced findings that may appear somewhat more ambiguous. Yet even the slight margin of agreement by the CPS respondents with the statement, "Most people who do not get ahead in life probably work as hard as people who do," has to be interpreted as a favorable attitude toward the poor and the unsuccessful, given the wording of the question. The same is true of a Gallup poll response that put about equal blame for poverty on the poor themselves and on "circumstances beyond their control." By better than five-to-one, the CPS respondents recognized that failure often is due to other causes than failure to work hard, even though by seven-to-one they believe that anybody who works hard has "a good chance" of succeeding. By substantial margins the sample endorsed equal treatment of people and an equal "chance in life" for everybody but also agreed with the proposition that the country "would be better off if we worried less about how equal people are." Answers to the pertinent questions from these samples are presented in Table 2.

The final question listed in Table 2 was asked in identical wording in earlier years, which sheds light on the question of whether attitudes have changed. The answer in this case is, they have not changed much—but, if anything, they have changed for the better. In the Great Society days of 1964, 35 percent of the public blamed the poor for their own plight. This rose to 43 percent in 1967—at the point where the poor were being associated in the public mind with two years of riots in the cities—but by 1984 the attitudes were slightly more favorable toward the poor than they were during Lyndon Johnson's honeymoon year two decades earlier.

Opinion Pattern 2: The People Are Cynical about Governmental Programs for the Poor—Especially Welfare

The deep sympathy that the public continues to feel toward the poor is not matched by confidence in the ability of government—particularly the federal government—to design and administer effective programs to assist them. The opinion data on this point, some of which is assembled in Table 3, reveal preponderantly negative attitudes about the federal government, no matter how the questions are worded. By three-to-one margins, the public believes that the government does not know enough about how to eliminate poverty, that tax money for human services is not well spent, and that the federal government cannot be described as efficient and well-run. About twice as many people believe that antipoverty programs have generally not worked as those who believe they have, although by about the same two-to-one plurality they concede that the War on Poverty of the 1960s did make things at least somewhat better for the poor. Compared to state and local government, the federal government fares badly. More than half the respondents to an ABC News/*Washington Post* poll expressed the view that their respective states would run social programs more efficiently than does the federal government, and local governments received twice as much credit as did the federal government for being efficient and well-run. Corporations and private voluntary organizations did about three times as well as the federal government in that measurement of public images.

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TABLE 2

Public Attitudes Toward the Poor

Question	*Response of National Sample (%)*			
1. Do you think most poor people are lazy or are most hard-working?	*Lazy* 26	*Hard-working* 51	*Don't know* 23	
2. Do you think most poor people prefer to stay on welfare or most would rather earn their own living?	*Prefer welfare* 25	*Earn their own living* 63	*Don't know* 12	
3. Poor people have less education, more difficulty holding jobs, and live in worse conditions. . . . Do you think these differences are mainly because poor people have less in-born ability to get ahead?	Yes 29	No 62	*Don't know* 8	
Do you agree . . . neither agree nor disagree . . . or disagree that:	*Agree*	*Neither agree nor disagree*	*Disagree*	*Don't know*
4. This country would be better off if we worried less about how equal people are?	52	11	35	2
5. If people were treated more equally in this country we would have fewer problems?	63	12	23	2
6. It is not really that big a problem if some people have more of a chance in life than others?	35	16	46	3
7. Any person who is willing to work hard has a good chance of succeeding?	83	5	11	1
8. Even if people try hard, they often cannot reach their goals?	78	5	15	2
9. Most people who do not get ahead in life probably work as hard as people who do?	45	9	43	2
10. Which is more often to blame if a person is poor—lack of effort on his own part or circumstances beyond his control?	*Lack of Effort*	*Both equally*	*Circumstances beyond control*	
Answers in 1984 (Dec.)	34	32	35	
in 1967	43	37	20	
in 1964	35	34	31	

Sources: Questions 1–3, *Los Angeles Times* survey, April 1985, reported in *Public Opinion* (June/July 1985): 6, 7, 26. Questions 4–9, Center for Political Studies, University of Michigan, pre-election survey, September-November 1984. Question 10, Gallup Poll, *Public Opinion* (June/July 1985):28.

The public's view is especially negative when attention is focused specifically on welfare programs, as in the questions in Table 4. By a three-to-one margin, according to the *Los Angeles Times* survey, people believe that welfare programs make poor people dependent and encourage them to stay poor rather than give them a chance to "get started again." They believe that welfare programs are sullied with fraud, that the food stamp program is abused, and that families getting too much assistance are a more serious problem than families getting too little.

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TABLE 3

Public Attitudes toward the Past and Current Governmental Programs to Help the Poor

Question	*Responses of National Sample (%)*			
1. Even if the government were willing to spend whatever is necessary to eliminate poverty in the United States, do you think the government knows enough about how to do that, or not?	*Knows enough* 22	*Does not* 70		*No opinion* 7
2. Have anti-poverty programs almost always, often, seldom, or almost never worked?	*Almost always or often* 32	*Almost never or seldom* 58		*No opinion* 10
3. The "War on Poverty" . . . made things much better for the poor, somewhat better, had no impact, or made things worse for the poor?	*Better* 55	*No impact or worse* 28		*No opinion* 17
4. In general, do you think tax money spent for human services is used well or not?	*Used well* 21	*Not used* 70		*No opinion* 8
5. Does the phrase "efficient and well run" describe	*Yes*	*No*		*No opinion*
Private voluntary organizations?	60	23		17
Small business corporations?	70	20		10
Large business corporations?	56	33		10
Your local government?	43	49		7
The federal government?	20	74		6
6. [Is] the present balance of responsibility between the federal government . . . and the state and local government . . . about right, tipped too far toward the federal government, or . . . too far toward the state and local governments?	*Tipped too far toward: federal government* 55	*state & local government* 9	*About right* 24	*No opinion* 12
7. [If] states took over some social programs now run by the federal government. . . . Thinking of your state, would [they] be run more efficiently . . . less efficiently, or what?	*More efficiently* 55	*Less efficiently* 30		*About same* 15

Sources: Questions 1–3, *Los Angeles Times* survey, April 1985, *Public Opinion* (June/July 1985):6, 7, 59; questions 4–6, Roper Organization survey, November 1981, ibid. (February/March 1982):27–29; question 7, ABC News/*Washington Post* survey, January 1982, ibid. (June/July 1985):30.

The question on welfare fraud, asked by the Gallup poll in 1982, had been asked in identical form eighteen years earlier – and the trend is disheartening. The proportion of people who think that *most* welfare recipients are on relief for dishonest reasons has doubled – from 8 to 17 percent – while the number believing that none or hardly any are cheats has declined by half, from 22 to 11 percent.

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TABLE 4

Public Attitudes toward Welfare Programs

Question	*Response of National Sample (%)*			
1. Do welfare programs give poor people the chance to . . . get started again, or . . . , encourage them to stay poor?	*Get started again* 19		*Stay poor* 59	*No opinion or neither* 22
2. What proportion of persons do you think are on relief for dishonest reasons—most, some, hardly any, none?	*Most*	*Some*	*Hardly any*	*None*
Responses in 1982 (March)	17	72	9	2
Responses in 1964	8	69	19	3
3. What do you consider a more serious problem . . . families not getting enough welfare benefits to get by, or families getting more welfare benefits than they need?	*Not getting enough* 32		*More than they need* 54	*Neither or both* 14
4. Have you ever seen someone use food stamps to buy something that you think should not be bought with food stamps?	*Yes* 57			*No* 42

Sources: Question 1, *Los Angeles Times* survey, April 1985. Question 2, Gallup poll. Question 3, CBS News/*New York Times* survey, September 1984. Question 4, ABC News/*Washington Post* survey, January 1982. All published in *Public Opinion* (June/July 1985):6, 29. On last three questions, respondents with no opinions are excluded.

Opinion Pattern 3: The People Think the Government Should Be Doing More for the Poor despite its Past Failures

The average American, then, feels warm toward poor people in general but cold toward the federal government as the instrument for assisting them. How do Americans reconcile the conflict—by supporting more governmental effort or less? Perhaps with faith in the learning ability of legislators and administrators, they wind up by giving the government the benefit of the doubt and asking it to spend more of the money that, in their view, has in the past been unwisely spent for programs that seldom worked.

Table 5 presents the responses to survey questions asking directly about whether governmental activities and spending on behalf of the poor should be expanded or contracted. By overwhelming majorities the people believe that the government should be active on behalf of the poor, that it should be doing more than it is now doing, that it is not coddling the poor, and that it should increase spending for poverty programs in general. In one poll, only 7 percent of those with opinions thought that the government "should not get involved" in helping the poor. In another, only 2 percent thought that "doing nothing" was the best approach to the problem of poverty. Perhaps most impressive of all, three Americans would be willing to pay an additional one percent sales tax to help the poor for every two who would be opposed.

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TABLE 5

Public Attitudes Toward the Future of Governmental Programs for the Poor

Question	*Response of National Sample (%)*			
1. In principle, are you in favor of governmental actions in behalf of the poor, or . . . opposed . . . ?	*Favor*	*Oppose*	*No opinion*	
	73	18	9	
2. Should [the government] do more than it now does, or . . . should not get involved, or . . . the government is doing just about enough. . . .	*Should do more*	*Is doing enough*	*Should not get involved*	
for the poor? (1982)	59	34	7	
for the poor? (1968)	61	33	6	
for people on welfare? (1982)	25	56	18	
for people on welfare? (1968)	32	57	11	
3. Do you think we're coddling the poor . . . or . . . poor people can hardly get by on what the government gives them?	*Coddling*	*Can hardly get by*	*No opinion*	
	23	68	8	
4. Do you think the federal government should spend . . . more money on poverty programs, or . . . less . . . ?	*More*	*Less*	*Not sure*	
	59	29	12	
5. In principle, would you be in favor of a one-cent-a-dollar sales tax to be used to help the poor, or would you be opposed to that?	*In favor*	*Opposed*	*No opinion*	
	57	39	4	
6. Which one of the following alternatives is the best thing to do about the poverty problem?		*Best thing to do*		
Give . . . education and training for private jobs		71		
Create government jobs for poor people		20		
Provide services like food, clothing, and health care		5		
Make poor people less poor by giving them money		1		
Do nothing and wait for a strong economy to lift poor people out of poverty		2		
Don't know		1		
7. Should federal spending . . . be increased, decreased or kept about the same . . . on	*Increased*	*About same*	*Decreased*	*Don't know*
Social Security	44	37	3	16
Food stamps	17	37	26	20
Medicare	41	38	4	17
Government jobs for the unemployed	44	26	12	18

Sources: Questions 1 and 3–6, *Los Angeles Times* survey, *Public Opinion* (June/July 1985):3, 7, 26, 27. Question 2, surveys by Yankelovich, Skelly and White, ibid., 28. Question 7, Center for Political Studies, 1984 post-election survey.

The public does, of course, believe that government spending in the aggregate should be cut. It has always been easy for the pollsters to get an overwhelming affirmative response to the question, "Should the government spend less money?"

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when the question has been worded in general terms. In 1980, President Ronald Reagan won his landslide on his promise, among others, to cut spending and thereby reduce inflation. But when the question is put, "Should the government cut services?" the response is likely to be quite different. While spending should be cut, services – with a few exceptions, like food stamps and welfare and foreign aid – should not. How does the public reconcile that seeming contradiction? The answer is simple: eliminate waste. When the CPS asked in 1984 whether the government wasted "some" or "a lot" or "not very much" of its tax money, two-thirds answered "a lot." Fewer than 4 percent said "not very much." When the Gallup poll in 1979 asked its sample to put a figure on waste, the median response was 52 cents of every dollar. A year earlier, the estimate was 48 cents.[5]

In supporting increased spending for the poor, the public distinguishes sharply among particular programs. It likes programs that give the poor opportunity to earn their livings, and it dislikes "handouts." For every respondent who believes that giving money to the poor is the best solution to the problem of poverty (question 6 in Table 5), seventy-one specify giving the poor education and training as the best approach and another twenty choose creating government jobs.[6] Asked whether spending on particular programs should be increased, decreased, or kept about the same, more than three times as many respondents in the CPS poll would boost spending for government jobs for the unemployed than would cut it. More than half of all those with opinions favored increased spending for jobs. Social Security and Medicare, which give money to the non-poor as well as the poor, had overwhelming support. The ratio of budget expanders to budget cutters in those two programs were 15-to-1 and 10-to-1, respectively. But food stamps received more negative than positive votes; those who favored cutting the program outnumbered those who would expand it by a three-to-two majority.

Clearly, the public is making the familiar distinction between the "deserving" and the "undeserving" poor. Training and jobs are perceived as going to the hard-working and the ambitious who are in poverty through no fault of their own, who are the victims of circumstances, and who are willing to help themselves. Welfare and food stamps go to the shiftless and dishonest as well as the industrious; they seem actually to reward laziness, and they hold no promise that those whose poverty is their own fault will be encouraged or helped to mend their ways. This distinction comes through sharply in the responses to the second question in Table 5. A substantial majority believes the government should do more for the poor, but an equally substantial majority believes the government is doing enough already for people on welfare. Indeed, a rather startling 18 percent believes that the government should not be involved in welfare at all. Compared to 1968, the public's

[5] *New York Times*, 17 December 1979.

[6] Interestingly, there is little difference in outlook on these matters between the general public and the poor themselves. Only 3 percent of people in poverty believe that giving money to the poor is the best form of help. Fifty-six percent chose education and training for jobs, and 32 percent preferred creating government jobs for the poor. *Los Angeles Times* survey.

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support of programs for the poor is essentially unchanged; the 1968 poll found 61 percent believed the government should do more for the poor, compared to 59 percent fourteen years later. But attitudes toward people on welfare have changed markedly for the worse. Only 25 percent in 1982 were in favor of the government's doing more for people on welfare compared to 32 percent in 1968, and the 18 percent who believed the government should not get involved with welfare was up from 11 percent.

Opinion Pattern 4: The Reagan Administration Is Out of Step with the People on Policies toward the Poor— But So Are the Democrats

If the people believe the government should be doing more—and spending more—for the poor, then why, one may ask, are they supporting Ronald Reagan when he cuts, trims, and dismantles the programs the government is now engaged in? The answer is, they don't. They approve of Ronald Reagan for many reasons, but his treatment of the poor is not one of those reasons. On that issue the public has consistently parted company with him. Indeed, if what the Democrats called the "fairness" issue had been the only consideration on the voters' minds in November 1984, Walter Mondale would have won the election.

The fairness issue came into being as soon as the Reagan program was announced in 1981. A Harris poll taken in August of that year—the year of the great dismantlement—found the public already branding it unfair. Asked whether they felt that the Reagan budget and tax cuts would be fair and equitable to various groups or would be unfair and cause hardship, the respondents singled out the poor and the elderly as being unjustly treated. Only 43 percent of the respondents with opinions considered the Reagan programs as unfair to people like themselves, but 59 percent thought them unfair to the poor and 63 percent believed them unfair to the elderly and those on pensions.[7]

Throughout 1981, the ABC News/*Washington Post* poll asked its respondents whether they thought President Reagan cared more about serving poor and lower income people, middle income people, or upper income people, or all people equally. In the early months—before the Reagan program had been put forward—he was given the benefit of the doubt; a majority thought he sought to serve all people equally. But by September, 54 percent of the respondents with opinions thought he cared more about serving upper-income people, and two months later this figure had risen to 56 percent.[8]

After Reagan demanded an additional $75 billion in spending cuts, Harris asked his sample in September "if the only way to have a chance to balance the federal budget by 1984 were to make sharp cuts in" a series of six items, "would you favor

[7] *Public Opinion* (December/January 1982): 29.
[8] Ibid.

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such cuts, or would you favor *not* balancing the budget?" In the pubiic view, of the six items, only food stamps should get the ax:

Service to be Cut	For the Cuts (%)	For not Balancing the Budget (%)
Federal aid to the elderly, poor, and handicapped	17	83
Social Security	22	78
Federal health programs	38	62
Federal aid to education	44	56
Defense spending	49	51
Food stamp program	63	37

SOURCE: *Public Opinion*, December/January 1982, 28.

In November, the ABC News/*Washington Post* poll found the public realistic, or cynical, about the Reagan administration's ability to eliminate waste in government. The survey asked whether, if Reagan's proposed spending cuts – put in terms of an additional 12 percent reduction – took effect, "will that mainly reduce waste in domestic programs, or will that mainly damage programs the country needs?" By a margin of 54 to 29 percent, the people thought it would mainly damage programs the country needs.[9]

The polls of 1982 and 1983 showed no improvement in the public judgment of the Reagan policies. In both May and August 1982, the ABC/*Washington Post* survey found that the proportion regarding Reagan as caring more about upper-income people had risen to 59 percent of those with opinions. The same poll in February-March 1983 found 67 percent agreeing that Reagan "is a rich man's president" and 63 percent considering him "unfair to the poor."

In 1984, of course, the people reelected him overwhelmingly. But that was not because the country had become as conservative as Ronald Reagan and his Republican party. Those voters who identified "fairness to the poor" as the most important issue in the election cast their ballots four-to-one in favor of Mondale, according to the CBS News/*New York Times* exit poll. The trouble for Mondale was just that there were not enough of them. More people said that keeping America prosperous and militarily strong were more important issues, and those voters went heavily for Reagan, who also won votes for being a strong leader, a friend of religion, a foe of abortion, and so on.

Moreover, while the majority of voters regarded Reagan as too far to the right on domestic social policy, that did not hurt him much on balance – because the majority saw the Democratic party and its candidate, Walter Mondale, as also far out of line with public opinion, even a little further than the Reagan Republicans. The 1984 CPS survey asked its respondents to classify themselves as liberal,

[9] Ibid.

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TABLE 6

Comparison of Public Attitudes with Perceived Positions of Parties and Candidates

Question	*Response of National Sample (% of those with opinions)*			
1. In general, when it comes to politics, do you usually think of yourself as a liberal, a conservative, a moderate, or what?	*Liberal*	*Moderate*	*Conservative*	*Placement on 7-point scale*[1]
	24	39	38	4.24
. . . of the Republican party . . . ?	18	21	61	4.89
. . . of Ronald Reagan . . . ?	17	20	62	4.96
. . . of the Democratic party . . . ?	54	25	21	3.37
. . . of Walter Mondale . . . ?	49	31	20	3.45
2. Some people think the government should provide fewer services, even in areas such as health and education, in order to reduce spending. Suppose these people are at one end of the scale at point 1. Other people feel it is important for the government to provide many more services even if it means an increase in spending. Suppose these people are at . . . point 7 . . . where would you place yourself on this scale . . . ?	*Fewer (Pts 1–3)*	*Mid-point (Pt 4)*	*More (Pts 5–7)*	*Placement on scale*
	33	36	30	3.94
where would you place Ronald Reagan?	62	20	18	3.20
where would you place Walter Mondale?	10	16	74	5.19
3. Some people feel the government in Washington should see to it that every person has a job and a good standard of living. Others think the government should just let each person get ahead on his own. Where would you place yourself on this scale . . . ? [Government responsibility at point 1, leaving each person on his own at point 7.]	29	23	48	4.29
where would you place Ronald Reagan?	14	20	66	5.05
where would you place Walter Mondale?	58	25	17	3.19

Source: Center for Political Studies (CPS), question 1 from pre-election survey, questions 2 and 3 from post-election survey, 1984.

[1] Figures in the placement on scale column are the mean of the placements on the 7-point scale. In the case of question 1, the first three columns of figures are taken from inital responses to the question shown. The final figure is computed from responses to a subsequent question in which respondents were asked to place themselves on a scale ranging from "extremely liberal" (point 1) through "moderate, middle of the road" (point 4) to "extremely conservative" (point 7).

moderate, or conservative and then characterize parties and candidates. As shown in Table 6, the average voter perceived Ronald Reagan and the Republicans as far to the right of center and Walter Mondale and the Democrats as almost as far to the left. But because the average of the voters' self-placement came out slightly

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to the right of center, the electorate was a little closer to the Reagan Republicans than to the Mondale Democrats. The terms liberal and conservative have many meanings, of course, and when the respondents were asked what they had in mind when they used the terms, not many replied with specific references to attitudes toward the poor. But much the same result was found in responses to two other questions that are directly relevant to the topic of this article. In regard to whether government spending for services such as health and education should be cut or much expanded, the CPS sample saw Reagan and Mondale as far apart and placed themselves in the middle—but somewhat closer to the perceived Reagan position. The result was similar when the sample was asked whether "the government in Washington should see to it that every person has a job and a good standard of living" or "should just let each person get ahead on his own." The people leaned with Reagan toward the latter answer, but not nearly as far as they thought he did.

The *Los Angeles Times* survey shows that the adverse public reaction to the Reagan policies affecting the poor carried over into 1985. Although 62 percent of the electorate in April approved of the way Reagan was handling his job as president with 31 percent disapproving, only 34 percent approved of the way he was "handling poverty" while 58 percent disapproved. Asked whether they thought the Reagan budget cuts had "left the truly needy unprotected" or whether "the 'safety net' is still in place for these people," 50 percent believed the needy were unprotected compared to 40 percent who thought the safety net remained intact. Those who felt that President Reagan cared more about upper-income and rich people outnumbered by almost two-to-one those who believed he cared equally about every group. And an ABC News/*Washington Post* survey in February found 72 percent of its sample thought the Democratic party would do a better job of protecting the poor, with only 19 percent favoring the Republicans.[10]

In sum, the public opinion data tell us that the answer to the first question asked in the title of this paper is no. The American people have not lost their social conscience. Their sympathy toward the poor still runs deep. Despite their disillusionment about governmental programs, they still believe that government should be doing more for the poor, not less, and are even willing to pay higher taxes for the purpose. They feel that the Reagan program has been unfair to the poor and that the safety net that Reagan promised would be left in place has in fact been riddled. In the 1984 election the "fairness" issue was one of the few that pulled voters in the direction of Walter Mondale.

Opinion Cycles and Political Cycles

That leads, then, to the second question: When and how will the American people redirect their national government to again express their social conscience—by doing more, and spending more, for the poor, as they want it to? Sooner or later, we can be sure they will. What the people want they ultimately get, because candi-

[10] *Public Opinion* (June/July 1985): 6, 31.

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dates for office and their advisers pore endlessly over polling data and know that they defy public opinion at their peril.

Both parties are by now thoroughly aware that the fairness issue hurt the Republicans in 1984 and continues to hurt them, and helps the Democrats. Both parties will act accordingly. On the Republican side, we can safely predict that Ronald Reagan will be the last presidential nominee for a long time to run for office attacking "welfare queens." The party's candidate in 1988, whoever he is, will realize that his party is out of step with the people on that question and will pull it back toward the center. The next Democratic candidate, like Walter Mondale, will realize that stronger governmental action on behalf of the poor is a positive, vote-getting issue—as long as he talks tough against waste and fraud—and he may articulate the issue more effectively than Mondale did.

And the public will be more and more receptive to that kind of appeal as the Reagan era approaches its end. The public mood, after all, swings back and forth like a pendulum—not with the same regularity but with the same inevitability. The people are no more fixed in conservative attitudes now than they were locked into liberal attitudes twenty years ago at the height of the Great Society. Liberals then thought those days would never end—as the song goes—but they did. And so will these, as surely as did those. Public moods have always followed pendulum swings. The two major political parties have always alternated in power—one of them on the conservative side of center, the other on the liberal side. The left-of-center party will not necessarily return to power in 1988; that depends on too many unpredictable, often random factors, including the personalities of the candidates who happen to win their party nominations and the state of the economy. Of late the cycles have been short. Since 1952 no party has held the White House for more than eight consecutive years, but that reflected such accidental circumstances as the Vietnam war, Watergate, and the hostages in Teheran. So one cannot pick any particular presidential election year and say with certainty, this is it. But one can say with a reasonable degree of assurance that the conservative tide has already peaked and begun to ebb, or to return to the original metaphor, that the pendulum has begun its swing back.

Such a prediction has a solid theoretical base. Relatively few people consider themselves either strong conservatives or strong liberals; only about 20 percent accept that adjective in describing their positions, and barely 3 percent take the extreme positions when asked to place themselves on the seven-point liberal-to-conservative scale. The typical voter, rather, holds a mixture of liberal and conservative attitudes at the same time—liberal on one issue and conservative on another, or, often, both liberal and conservative on the same issue, which is why pollsters can get sharply different results by slightly altering the wording of a question. A voter's views are apt to be not only contradictory but also vague, muddled, uncertain, and changeable, responding to current events and fragments of information. The voters wind up bunched near the center of the liberal-to-conservative scale not because they are fixed and convinced centrists—any more than they are rigid conservatives or liberals—but because they are torn by conflicting impulses.

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They are ambivalent—a word Everett Carll Ladd constantly returns to in his analyses of political attitudes. "Contemporary political conflict," says Ladd, "is not so much between social groups . . . as it is within individuals."[11] A less charitable way of putting it is that the people, as measured by the majorities of those expressing opinions, want things both ways.

This is evident over the whole range of public issues, as revealed in the polling data: The majority thinks the government is too powerful and too intrusive. Yet when asked whether the government should guarantee a job to everyone who wants to work and should act to reduce the income gap between rich and poor—all of which means further governmental intrusion into the private economy—a majority says yes.

In regard to poverty, as we have already seen, the majority wants the government to do more for the poor but not for people on welfare—even though those are the poorest of the poor. They want to keep the safety net for the truly needy but stop "giveaways" to the undeserving.

They want taxes cut but not government services—with a few exceptions, such as food stamps—and they want the budget balanced also. Even so draconian a measure as the tax-limiting Proposition 13 in California was sold with the claim that government services would not have to be cut; there was enough waste to be eliminated. When services were indeed cut, the voters felt betrayed—not by the authors of the proposition but by their governmental officials.

The majority wants the United States to "stand up to the Russians" and prevent the spread of communism. But they do not want to get involved in "another Vietnam," with U.S. troops. They want to protect and enhance the environment, but not at the expense of economic growth. Or, conversely, they want economic growth, but expect it to be accomplished with no environmental damages. They refuse to accept the notion that tradeoffs are even necessary.

They want an arms control agreement with the Soviet Union but want the U.S. to insist on superiority in military strength. They want the government to be tough on criminals, and deny their civil liberties if necessary, but protect the civil liberties of the innocent.

A big majority thinks that decisions on abortion should be left to individual women and their physicians, but almost as large a majority believes abortion should be prohibited except in specified circumstances. In a recent poll, a majority of voters agreed with the statement that abortion is murder but a majority also opposed a constitutional amendment to prohibit it. They want minorities and women to be given the chance to get ahead, but not at the expense of white males.

And so it goes. The fact that the people want it both ways on most issues gives an advantage to the political candidate who is willing and able to promise it both ways, while the one who feels bound to choose—like Walter Mondale with his promise of a tax increase—gets clobbered. But the loser may have his satisfaction later. When it turns out that in fact the conflicting promises cannot be reconciled,

[11] "Politics in the 80's: An Electorate at Odds with Itself," *Public Opinion* (December/January 1983): 5.

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the party and the administration in office have to break some of them, and then they have disgruntled voters on their hands. That is what starts the pendulum on its return swing; when there are enough disappointed electors, they express themselves in the only way they can, by turning the incumbent party out of office and putting the other party in. That is the reason the parties alternate in power.

To put it another way: we noted in Table 6 that the public is out of sync with both parties; the Republican party is to the right, and the Democratic party to the left of the centrist or ambivalent electorate. When the Democrats are in power, the voters become more and more aware that the government is too liberal for them. Eventually, they remedy the situation by turning to the conservatives. When the conservatives take over, the people sooner or later come to realize that the new government is too conservative. Meanwhile, they gradually forget why they threw the liberals out in some previous election, and so when they are sufficiently fed up they give the liberals another chance.

Over the past century the pendulum swing from the liberal to the conservative end and back again has required about thirty years—which, by coincidence or not, happens to be about the time needed for replacement of one generation by another. The conservatives peaked in the 1890s, the 1920s, the 1950s, and now the 1980s, with Republicans in power. The liberals dominated the 1900s and 1910s, the 1930s, and the 1960s, with Democrats (and the liberal Republican Theodore Roosevelt) holding the White House. If the past rhythms hold, the nation will be in a liberal mood again in the 1990s and receptive to Democratic leadership.

Looking back just at the latest cycle, it is possible to date the turning point with extraordinary precision. The liberal crest occurred with the landslide election of Lyndon Johnson in 1964 and the enactment of the Great Society in that year and the next. But in August 1965, the Watts ghetto in Los Angeles erupted in flames, and the pendulum changed direction. Watts was followed by three years of riots in other ghettoes throughout the country. Meanwhile, the country became mired in the Vietnam war, and the failure either to rein in spending or raise taxes brought inflation. If that was what liberalism meant—riots, casualty lists, and higher prices—then the people had had enough of it. And their discontent was compounded when a generation of young people turned against traditional values and institutions in many ways—riots on campuses, a rising drug culture, new standards of sexual morality, long hair, new styles in music, and all the rest. Even at that the Republicans barely won in 1968, but the pendulum was moving to the right and it continued in that direction into the 1980s. The Democratic victory in 1976 was not an interruption of that trend but part of it; Jimmy Carter did not run as a liberal Democrat in the Roosevelt-Truman-Johnson tradition, and probably would have been defeated if he had.

The Next Swing of the Pendulum

While the thirty-year political cycle can be easily traced for three full cycles covering the last ninety years, the pendulum moves in fits and starts, at varying speeds, influenced by a host of factors. The economic cycle has its impact. So do foreign

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crises. So do the force and character of individual leaders. Most of these factors are beyond the control of liberals and conservatives alike. But what can those who want to restore the role of government as an instrument of social conscience do to hasten the political movement in their direction, and what can the enemies of governmental action do to retard it?

First, the liberals. And by that we mean, under present circumstances, the Democratic party, for the once-powerful liberal wing of the Republican party associated with such names as Nelson Rockefeller, Jacob Javits, Clifford Case, and Earl Warren has been deeply submerged in the Reagan era, and its chances of becoming dominant in the GOP any time soon are nil.

In one of the first of the many sessions that have been called to discuss the Democratic future after the 1980 debacle, one highly respected analyst took the view that "all the Democrats need to do is be quiet—and available." That is the logic of the proposition that the Republicans are well to the right of public opinion, and as time passes the voters will become more and more clearly aware of that fact. Sooner or later the Republicans will wear out their welcome, and the electorate will turn, as it always has, to the only available alternative.

But whether that turn comes sooner or later depends heavily upon how the Democrats behave themselves. As we saw in the figures in Table 6, the Democrats are also out of step with the currently centrist position of the electorate. Indeed, in the CPS 1984 poll, they appear actually further to the left of the average voter than Ronald Reagan's GOP is to the right.

It was only five years ago, after all, that the voters threw the Democrats out at the national level, and while they are beginning to rediscover what it is they do not like about Republicans, they have not yet forgotten what it is they disliked about the Democrats. How receptive they will be to the Democratic alternative depends not just on the personal qualities and appeal of the party's presidential candidate—important as those factors are in the age of television—but also on how soon that party can purge itself of the characteristics that repelled the voters in the last cycle when they swung rightward to Richard Nixon and Ronald Reagan.

And what precisely are those characteristics? Here again, the CPS poll is instructive. Among the questions that survey asked in 1984 was, "Is there anything in particular that you like about the Democratic (or Republican) Party?" And, "Is there anything in particular that you dislike?" About 40 percent of those with opinions did indeed have something that they did not like about the Democrats. And a substantial majority of those with dislikes mentioned a variation of the same theme. They saw the Democrats as big spenders; high taxers; wasteful of the taxpayers' money; in favor of big government, giveaways, and handouts; and too liberal in general. Those who found something they liked about the Democrats—a somewhat larger number—saw the party as active on behalf of the well-being of the common man, the average person, the less well off, even the poor and the needy. The always-ambivalent average voter, in short, would approve quite heartily a Democratic party that was activist on behalf of this average voter and others less fortunate, the party with compassion, with a heart, with a social con-

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science, if you will, but one that expressed those sentiments without going overboard in public spending.

That may be impossible. It may be "voodoo" social policy, the counterpart of what George Bush called Reagan's "voodoo economics." In searching for just such a position, the Democratic-controlled House of Representatives appears to be floundering, without any sense of direction, hopelessly ambivalent itself. Be that as it may, the House Democrats did get themselves elected in 1984, while Walter Mondale—who took the honorable course for any big spender by advocating higher taxes—did not. The Democrats will be returned to office sooner if they are perceived as having learned their lesson on the spending issue.

And liberals do indeed have much to learn from the standpoint both of policy and of administration. Too many programs have crossed the line the public draws between the deserving and the undeserving. Not just the public welfare and food stamp programs are seen as having been abused but student loans, unemployment compensation, disability, Medicare and Medicaid, minority small business loans, and a host of other "giveaway" and "handout" programs. Liberals have been branded as supine legislators and lax administrators who do not really care what happens to tax money—or worse, who use tax dollars to buy votes for themselves.

Liberals have been exceedingly slow in even admitting the existence of waste, fraud, and abuse in the programs they administer—and even slower in taking action. The liberal reasoning has gone something like this: to acknowledge shortcomings would provide ammunition with which enemies could attack programs in their entirety and bring about crippling amendments and appropriation cuts, if not outright repeal. Tightening the rules and invigorating their enforcement would amount to tacit acknowledgement that abuses were occurring. Moreover, the line between the deserving and the undeserving is difficult to draw, and any toughening of the rules or the enforcement would inevitably withdraw benefits from some of the deserving as well as from the undeserving—as the recent ruckus over the reexaminations of the disabled appears to illustrate. Enforcement, finally, is costly, taking from resources that are needed for paying benefits. For all these reasons, rules have tended to be generous and enforcement lax. Liberals engaged in a tacit cover-up of the weaknesses in their programs, even as they steadily made them more generous and more open to abuse.

My own favorite example of this pattern is the "black lung" benefits program. That program did not make perfect sense even at the outset, for why should victims of one occupational disease be singled out for preference? What about the "white lung" victims of the textile mills or asbestos workers? But the former coal miners disabled by black lung disease were obviously worthy people, and it was hard to be against them, so a federal benefit program was enacted. Then it was broadened to provide that any respiratory ailment—including those common to everyone else in the population—would be presumed to be black lung. One day I was browsing through the *Congressional Record* and came across a debate over a bill to relieve miners who had worked twenty-five years (in anthracite mining) or thirty years (in bituminous) of ever having to take a medical examination to determine if they

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actually had black lung. That was presented as a burden and an embarrassment, so the bill proposed that anyone who had worked that long would simply be presumed to have black lung disease. The Republicans protested that a medical indemnity program was being converted into a general noncontributory pension program for one occupation group, but the Democrats rolled over them and the bill was passed.[12] That was too much for the Senate, but that body did agree to a twenty-five-year presumption in the case of miners who had died, and it even agreed that if a miner had died without a medical record, an affidavit from his widow that he had black lung would suffice to entitle her to survivors' benefits. Also, both houses agreed to prohibit the government from arranging its own X-ray of a claimant before approving his claim.

It would seem reasonable to the average observer that the government should be allowed to protect itself against the possibility that doctors and X-ray technicians in the coal fields, eager to ingratiate themselves with potential clients, would become over-generous in detecting black lung on X-ray plates. Some other propositions that also seem reasonable to the average voter have become public policy over liberal resistance. For instance, it is not insulting and demeaning that able-bodied welfare recipients should be required to perform some public work in return for their benefits, that fathers who desert their families should be vigorously tracked down and compelled to pay for child support, and that student-loan defaulters should be similarly sought out and forced to pay. The danger to social programs does not lie in admitting that shortcomings exist; that only confirms what almost everybody already knows from chance encounters and observation. The danger lies in not moving first to clean up waste and fraud. When those who design and administer social programs look the other way, it leaves the field open to any politician on the other side—such as Ronald Reagan—to mobilize the accumulated resentment among the voters and discredit liberalism itself.

As for the conservative party, it has the opposite problem. On the like/dislike scale, it acutally fares worse than the Democrats. A few more people find things they don't like about the GOP than find things they like. What they like most, of course, is the reverse of what they don't like about the Democrats. They like the Republicans for being economical and prudent, for spending and taxing less, for being more reliable in the handling of the public purse. But they dislike them for being, as they perceive it, the party of the rich and the powerful, which does not care about the little people, the old, and the poor. Well over one quarter of all the people with opinions about the Republican party expressed this complaint in one version or another. That was somewhat more than the number who had objections to the Democrats as liberal overspenders.

The Republican party will stay in power longer, then, if it is able to erase the negatives in its image. But those negatives have dogged the GOP ever since the days of Herbert Hoover—just as the Democratic image of big spender goes all the way back to New Deal days—and a party that could not shake the perception

[12] *Congressional Record*, 2 March 1976, 4959-99.

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of a lack of sympathy and concern for the average person under relatively moderate leaders like Dwight Eisenhower and Richard Nixon is going to have a much more difficult time doing so after eight years of Ronald Reagan.

There are many reasons why either party always finds it difficult to move toward the center, even when it is clear that that is where the bulk of the voters are. An American political party, after all, is not a small coterie of leaders who can consciously plan and carry out a strategy. Up to twenty million people in each party participate each four years in the choice of the party's candidate for president through a process that is, at best, haphazard; and that leader then sets the party's course. Both parties between now and 1988 will see a struggle for control between those who want to maintain the party's conservative or liberal position and those who want to move the party stance toward the center on the whole range of social policy. Perhaps neither party in the end will have moved much, but I predict that the opposite will happen—that both will move. The Republicans will be less extreme in their conservatism, the Democrats more sensible in their liberalism. And that will be a double gain for those who believe that the American social conscience, which remains undiminished, should again be effectively expressed through the instrument of government.

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Gorbachev and the Future of Sino-Soviet Relations

WILLIAM deB. MILLS

Immediately upon his accession to leadership of the Soviet Union in March 1985, Mikhail Gorbachev began working to establish a reputation as a flexible, innovative leader. Admittedly, Konstantin Chernenko and other leaders of the Leonid Brezhnev era were in this regard an easy act to follow. Be that as it may, Gorbachev lost no time in giving the impression that policy boats would henceforth be rocked. Soviet treatment of China was no exception.

Affirming his desire for improved Sino–Soviet relations only a day after Chernenko's death, Gorbachev stated at the emergency Communist Party of the Soviet Union (CPSU) Plenum on 11 March that, "We would like a serious improvement in relations with the PRC [Peoples Republic of China] and consider that given reciprocity this is fully possible."[1] Meeting Chinese Vice Premier Li Peng on the 14th, Gorbachev reiterated his call for "serious improvement" in relations, again cautioning of the need for "reciprocity."[2]

Beijing responded quickly with signals that it would be receptive to steps toward improved ties. A Chinese foreign ministry spokesman on the 12th stated that Beijing had "taken note of the positive attitude" on bilateral relations taken by Gorbachev the day before.[3] National People's Congress Standing Committee

[1] *Pravda*, 12 March 1985, in Foreign Broadcast Information Service, *Foreign Broadcast Information Service Daily Report: Soviet Union* (*FBIS:SOV*), Washington, D.C., 12 March 1985, R4.

[2] TASS, 14 March 1985, in *FBIS:SOV*, 14 March 1985, B1.

[3] Xinhua, 12 March 1985, in *Foreign Broadcast Information Service Daily Report: China* (*FBIS:CHI*), C3.

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Chairman Peng Zhen congratulated Gorbachev on his election as CPSU general secretary when he visited the Soviet Embassy in Beijing to express Chinese condolences for Chernenko's death—a party-to-party signal of good will not made after the death of Brezhnev or Andropov.

Acrimonious rhetoric did not end; even less did substantive policy changes flow immediately from these signals of mutual interest in improving relations. As early as 15 March, Xinhua, the Chinese news agency, accused Soviet Vice Foreign Minister Mikhail Kapitsa of having "whitewashed" Vietnamese incursions into Thailand on a trip to Australia,[4] while well-connected Soviet media commentator Aleksandr Bovin noted the same day in an interview published in Czechoslovakia that Sino-Soviet relations were "rather full of contradictions"—Moscow taking exception to Beijing's support for Japanese military development and the deployment of U.S. missiles in Europe.[5]

Nevertheless, conflicting positions on global issues notwithstanding, a feeling that genuine progress might finally be possible developed for a number of reasons. First, the timing was right for both sides. Beijing had been stressing the "independent" nature of its foreign policy for some time, in lieu of openly proclaiming its strategic proximity to Washington. The negative focus of the late 1970s' anti-Soviet united front period of Chinese foreign policy, which had clearly come to incorporate the U.S. as an implicit ally against Soviet expansion by 1979, gave way in 1982 to a more balanced stance characterized by Beijing as an "independent" foreign policy in which China claimed the right to criticize any act by either superpower deemed to be in violation of approved norms of international behavior, even while cooperating with that same power on other issues.

Moscow was looking for a way to improve its position in the strategic triangle by encouraging Beijing to move faster in this direction, which, if not necessarily leading back to the Sino-Soviet alliance of the 1950s, would at least put some distance between Beijing and Washington while simultaneously facilitating Sino-Soviet cooperation on individual issues. A common Soviet propaganda theme designed to encourage this development was sounded by a Soviet radio commentary broadcast in Mandarin the month after Gorbachev's accession. It explained Gorbachev's March call for improved ties with "other socialist countries, including the PRC," as based on the need to "further unite all the forces of socialism in the world for the benefit of the positive strategy of the anti-imperialist united front."[6]

Second, the background steps had already been taken by Gorbachev's predecessors—most immediately with the landmark December 1984 visit to China of Soviet Vice Premier Ivan Arkhipov to broaden and institutionalize economic relations of a type not seen in a generation between the two neighbors. The highly cordial visit to China of Arkhipov, which culminated with an agreement announced on 23 December to establish a five-year trade accord,[7] constituted a breakthrough

[4] Xinhua, 5 March 1985, in *FBIS:CHI*, 19 March 1985, E3.
[5] *Mlada Fronta*, 15 March 1985, 5, in *FBIS:SOV*, 22 March 1985, B-2.
[6] Radio Peace and Progress, 27 April 1985, in *FBIS:SOV*, 29 April 1985, B2.
[7] Xinhua, 23 December 1984, in *FBIS:CHI*, 24 December 1984, C6.

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in Sino-Soviet relations on several levels. The visit itself was treated publicly with unusual cordiality. Xinhua characterized the atmosphere as "friendly and constructive,"[8] and Chinese leaders repeatedly described Arkhipov as an "old friend"—a reminder to the Chinese people of the era of Sino-Soviet cooperation, when Arkhipov had been involved in the Soviet aid program. More importantly, the economic agreements demonstrated that Sino-Soviet relations could make substantive progress without resolving the strategic issues (Soviet support for Vietnam's occupation of Cambodia, Soviet occupation of Afghanistan, and Soviet military deployments along China's northern border) on which the two countries continued to disagree.

Third, with Gorbachev, the Soviet Union finally had a regime possessing vigorous, healthy leadership able and willing to project at least the appearance of flexibility. The mutual signals of cordiality at Chernenko's funeral thus fit smoothly into and accelerated an ongoing process of lessening hostility, broadening contacts, and the development of cooperation in certain cautiously defined fields.

Given this background, it was fair to ask in the spring of 1985 if Sino-Soviet relations were on the edge of a new era which would soon see the two powers engaged in a normal range of regular contacts, institutionalized cooperation, and polite competition—a type of relationship that might overcome Sino-Soviet hostility and call into question the continuation of relatively close Sino-American ties. On the basis of Gorbachev's first year in office, this article concludes that the steps now under way toward normalization of Sino-Soviet relations are not likely to eliminate antagonisms flowing from divergent strategic interests. Indeed, should China's rapid economic growth enable it to compete more effectively with the USSR, tensions might even increase over the long term.

Surface Thawing

Gorbachev's fast start did indeed enable him to carry Sino-Soviet relations forward during his first year in office. Contacts expanded notably; official characterizations of those contacts became warmer; judging from public statements, a broader range of issues was discussed in bilateral meetings; and the promise of substantive progress on economic relations made during Arkhipov's visit was realized.

The exceedingly limited range of Sino-Soviet contacts that had prevailed since the mid-1960s freeze in relations had been expanding since the early 1980s at a measured pace. The primary reasons for this slow pace no doubt included Beijing's concern to avoid damaging ties with Washington and its desire to gain some Soviet concessions on security issues. In addition, the realities of discrete events interfered, provoking Moscow into postponing Arkhipov's trip from May to December 1984.[9]

[8] Ibid.

[9] In "The Price of Propaganda in Sino-Soviet Relations," *Journal of Northeast Asian Studies* 13 (Winter 1984): 43–60, esp. 43–44 and 56–58, I interpret the events surrounding the postponement of

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Nevertheless, the overriding interest on both sides in gaining freedom of maneuver in the strategic triangle, combined with Beijing's interest in avoiding the needless exacerbation of tensions at a time when it wished to focus on domestic economic development, overcame the postponement of Arkhipov's visit and renewed the momentum of Sino-Soviet rapprochement. Soviet and Chinese foreign ministers Wu Xueqian and Andrei Gromyko met on 21 and 22 September 1984 at the United Nations, the first such meeting since the 1960s. Arkhipov's December trip raised the level another notch. In early March 1985 parliamentary relations were reestablished with the visit to Moscow of a Chinese National People's Congress delegation, which Beijing radio's Russian-language broadcast described as a "new factor" with "great potential" in Sino-Soviet relations.[10]

Each of these initial contacts has since been followed up, establishing what so far appear to be three new series of contacts. The foreign ministers met again in the fall of 1985 at the UN; Vice Premier Yao Yilin returned Arkhipov's visit in July; a Supreme Soviet delegation toured China in October. The sixth and seventh meetings of the semiannual political consultations, which took place as scheduled, as usual made no breakthroughs, but by the end of 1985 found themselves overshadowed by undeniable progress in other venues.

Press commentary on the Chinese side, which seemed to be the side setting the pace of Sino-Soviet rapprochement, suggested that the tone of Sino-Soviet contacts was warming as the variety broadened. The standard Chinese characterization of the occasional political talks held with the Soviets during the 1982–84 period was, with slight variations, "calm, frank, businesslike, and useful."[11] As Sino-Soviet contacts broadened in late 1984 and 1985, Beijing began characterizing talks in other fields and occasionally even in the political arena in warmer terms. The December and July Yao-Arkhipov economic talks were characterized respectively as "friendly"[12] and "helpful."[13] Parliamentary[14] and river navigation[15] talks in 1985 were described as "friendly."

In the political arena, although the October political consultations remained "frank, calm, businesslike" and "useful,"[16] the March meeting between Gorbachev and Vice Premier Li Peng was characterized by Xinhua as "friendly and positive,"[17] while the foreign ministerial talks in September were termed "frank and friendly."[18]

Arkhipov's trip as an example of the undermining of Sino-Soviet rapprochement by events involving third parties—in this case Reagan's April 1984 China visit and the spring 1984 Sino-Vietnamese border clashes.

[10] Beijing radio, 16 March 1985, in *FBIS:CHI*, 18 March 1985, C1-2.

[11] Xinhua, 16 September 1983, in *FBIS:CHI*, 18 March 1985, C1-2; *RenminRibao* [*People's Daily*], 27 March 1984.

[12] Xinhua, 23 December 1984.

[13] Xinhua, 16 July 1985, in *FBIS:CHI*, 17 July 1985, C1.

[14] Xinhua, 4 March 1985, in *FBIS:CHI*, 5 March 1985, C1.

[15] Xinhua, 21 March 1985, in *FBIS:CHI*, 22 March 1985, C1.

[16] Xinhua, 20 October 1985, in *FBIS:CHI*, 21 October 1985, C1.

[17] Xinhua, 15 March 1985, in *FBIS:CHI*, 18 March 1985, C1.

[18] Xinhua, 27 September 1985, in *FBIS:CHI*, 27 September 1985, A1.

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In the shift from the coldly correct "frank" to "friendly," the emergence of substantive, cooperative discussions – rather than simply the formal statement of opposing positions – was signaled.

Giving further evidence of the emergence of a more meaningful dialogue were new references to the range of issues treated in the meetings in 1985. At the 1985 talks between the two foreign ministers at the UN, they briefed each other on their respective countries' domestic situations – a step forward from the 1984 talks, which were described by Xinhua only as dealing with foreign affairs.[19]

International issues were discussed at several meetings. For the first time following a round of the semiannual political consultations, the October 1985 Chinese press communique – the standard Chinese device for summarizing the talks – stated that in addition to the everpresent "question of normalization," the discussion covered "certain international issues."[20] The communique also deleted the statement that each side set forth its position on normalization, a negative formulation that had appeared in the last two communiques and which suggests a lack of real discussion. Soviet Vice Foreign Minister Kapitsa discussed international affairs with Chinese officials in China during early December, and in late December Chinese Vice Premier Li Peng, stopping over in Moscow on his way home from a visit to East Europe, held talks with Gorbachev "on bilateral relations and some international issues."[21]

Putting Sino-Soviet relations in the best possible light, as has been recent Soviet practice, Soviet spokesmen stressed this broadening of dialogue. Following the third in an irregular series of meetings between Vice Foreign Minister Qian Qichen and Soviet Vice Foreign Minister Kapitsa in early December, Kapitsa described an agreement to hold "more frequent consultations on international issues" as the "main result" of his talks.[22] And as the chairman of the Supreme Soviet's Soviet of the Union put it in an article in *Izvestiya* reviewing the fall visit of his parliamentary delegation to China, "political dialogue is becoming increasingly active, encompassing the exchange of opinions on topical international problems."[23]

Finally, substantive steps forward in economic ties signaled progress in Sino-Soviet relations during Gorbachev's first year in office. Following up on the promise of the Arkhipov trip to China in December 1984, Chinese Vice Premier Yao Yilin repaid his Soviet counterpart with a visit to Moscow in July 1985, at which time the two sides continued the process of deepening and institutionalizing economic relations, which had been virtually frozen at a negligible level for years. The annual trade agreements that had governed bilateral economic intercourse were replaced by a five-year agreement (1986–1990) providing for a total trade of 35 billion Swiss francs during the period[24] – twice the annual rate of 3.6 billion francs

[19] Ibid. and *Renmin Ribao*, 24 September 1984.
[20] Xinhua, 20 October 1985, in *FBIS:CHI*, 21 October 1985.
[21] Xinhua, 23 December 1985, in *FBIS:CHI*, 24 December 1985, C1.
[22] Moscow Radio, 13 December 1985.
[23] *Izvestiya*, 11 December 1985, in *FBIS:SOV*, 11 December 1985, B2.
[24] *Izvestiya*, 13 July 1985; Xinhua, 10 July 1985.

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planned for 1985.[25] In addition, they signed an agreement providing for design cooperation, the sharing of technological information, the exchange of technicians, and the supplying of equipment to upgrade Chinese industry.

The rapidly expanding border trade is indicative of the process of institutionalization of Sino-Soviet cooperation now under way. Trade across the Xinjiang border was expected to reach 200 million Swiss francs in 1985, benefitting from a share of the national bilateral trade total reserved by Beijing for Xinjiang.[26] Expansion of this trade through the former border trade posts of Korgas and Turugart is clearly envisioned: the reopening of a third Xinjiang border post, Tacheng, after twenty years of inactivity, is planned,[27] and a third Sino-Soviet rail link—through Urumqi—is under construction.[28] Figures for Sino-Soviet border trade from Nei Monggol [Inner Mongolia] reveal a similarly active scene, with trade expanding from 3 million Swiss francs in 1983, when reestablished, to 35 million between January and July 1985. (See Figure 1.)[29] As for trade through China's Northeast, Heilongjiang's trade with the Soviet bloc will be 2.7 times greater in 1986 than in 1985.[30]

Such trade—both because of the profit accrued directly and the impetus it imparts to regional development by stimulating the expansion of transportation facilities—is likely to lead to the growth of a local constituency favoring closer Sino-Soviet relations. The renewal of border crossings by individuals wishing to visit relatives, which has already begun,[31] will accelerate this process.

More indicative of the potential for deepening the relationship than mere recognition that a substantial amount of trade is mutually profitable, Chinese writers are once again openly portraying the Soviet economic model as a positive model for China. A Chinese economic paper argues that China's ambitious plans to quadruple national income by the year 2000 can be facilitated by studying the Soviet economic model and strengthening Sino-Soviet economic ties. The article portrays the Soviet Union as offering a stable market, comparing favorably with the West's, which is plagued by protectionism; lauds the Soviet strategy of "exchanging natural resources for technology"; and finds the state monopoly over foreign trade practiced by the Soviet Union to be an effective approach for dealing with the "monopoly organizations of the West."[32] Gilbert Rozman's finding that Soviet affairs evoke great and positive interest in Chinese scholarly circles and that certain favorable premises about the Soviet Union underlie that interest suggests such views have deep roots in China. These premises are "that the Soviet Union is a socialist

[25] Xinhua, 3 December 1984, in *FBIS:CHI*, 3 December 1984, C1.
[26] Beijing radio (in Russian), 15 September 1985.
[27] *Jiefang Ribao*, 26 July 1985, in *FBIS:CHI*, 6 August 1985, C1.
[28] Zhongguo Xinwen She, 4 September 1985.
[29] *Nei Monggol Ribao*, 19 August 1985, in *FBIS:CHI*, 5 September 1985, C1.
[30] Beijing radio (in Russian), 20 December 1985.
[31] Beijing radio (in Russian), 15 September 1985.
[32] *Shijie Jingji Daobao*, 19 August 1985, in *FBIS:CHI*, 10 September 1985, A1.

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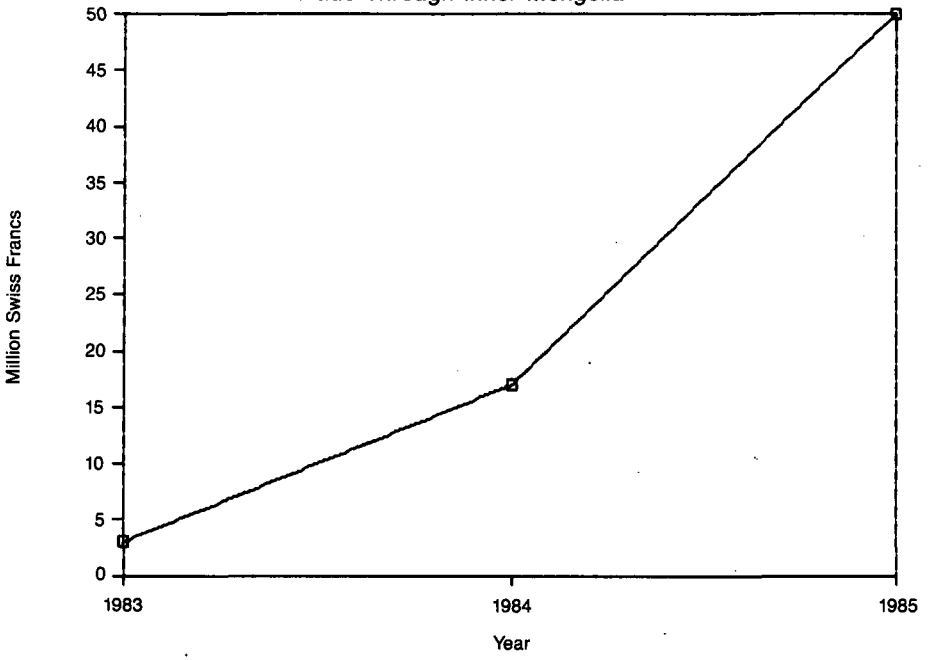
FIGURE 1

Trade Through Inner Mongolia



society; its history demonstrates the superiority of socialism as compared to capitalism; and a process of reform is gaining momentum in the 1980s."[33]

As technocrats such as Moscow-trained Vice Premier Li Peng replace the old revolutionaries of Deng Xiaoping's generation, the economic benefits of cooperating with the USSR may be stressed and the highly divisive security issues downplayed. Although lack of knowledge about the true perceptions and policy priorities of China's new leaders precludes prediction, such a fundamental shift is quite conceivable. It is particularly conceivable during the next one to two decades, assuming economic development remains China's primary goal during that period. If China's ambitious developmental plans succeed, a more self-confident and internationally-activist China is likely to emerge in the twenty-first century, however, and at that point China's focus might well shift back to security issues.

Whatever the future course of relations, a significant improvement in ties has already occurred. While party ties remain severed and security concerns continue to divide the two sides, the economic split begun with Nikita Khrushchev's abrupt recall of Soviet technicians in 1960 has thus now been replaced by a solid and broadening layer of cooperation. Simultaneously, despite Beijing's public insis-

[33] Gilbert Rozman, "China's Soviet Watchers in the 1980's: A New Era of Scholarship," *World Politics* 27 (No. 4, 1985): 474, also 463.

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tence that political ties cannot be normalized in the absence of substantive Soviet steps to resolve Beijing's security concerns, political discussions have multiplied and apparently become increasingly substantive.

POLITICAL PERMAFROST

These undeniable signs of progress notwithstanding, the degree to which Sino-Soviet relations have been normalized remains debatable. The progress that had occurred by late 1985 moved bilateral ties a significant distance toward normalization—but from a highly negative baseline. It was undeniable that a qualitative change had occurred that opened new possibilities. Nevertheless, by early 1986 a number of increasingly noticeable factors suggested that the negative influence of the past two decades remained predominant over the mutual efforts of the preceding three years to develop a broad-based, stable relationship.

Strategic Triangle Lopsided. First of all, the strategic triangle obviously remained far from equilateral. While the rising level of official, public Sino-Soviet contacts is certainly significant in that—at the very least—it signals to both domestic and foreign audiences that negotiating with the other side is morally acceptable, the level of Sino-Soviet contacts remains far below that of Sino-American. In early 1986 there were still not even any known plans for Sino-Soviet trips equivalent to those made by Premier Zhao Ziyang to the United States in January 1984, President Ronald Reagan to China in April 1984, or President Li Xiannian to the United States in July 1985. In contrast, Moscow and Beijing spent early 1986 sparring over the timing of a proposed exchange of visits between their respective foreign ministers.

Militarily, the triangle was even more lopsided. Sino-Soviet relations had certainly progressed in this arena, but this progress only underscored how low the baseline was. For its part, Beijing had stopped the public calls it was making at the end of the 1970s for a united front against the Soviet Union and was avoiding calling notice to coincidence between its strategic interests and those of Washington. Moscow had dropped its late 1970s' line that Beijing was under the control of warmongers. By the mid-1980s Moscow was stressing that improvement in Sino-Soviet relations would "help strengthen security and peace in Asia and the position of socialism."[34] But it remains unclear if Gorbachev will back up this warmer tone with substantive concessions on security issues of concern to Beijing.

However, this rhetorical shift in no way matched the assumptions of common strategic interests implicit in the development of Sino-American military ties, a process signalled by the steady stream of military delegations going between the two countries.[35] At the highest levels, these included Defense Minister Zhang Aiping's June 1984 visit to the United States; Navy Secretary John Lehman's Au-

[34] Radio Peace and Progress, 1 October 1985.

[35] For a skillful presentation of the argument that Beijing sees its security as dependent on U.S. support, see Robert G. Sutter, "Realities of International Power and China's 'Independence' in Foreign Affairs, 1981-84" in *Journal of Northeast Asian Studies* 13 (Winter 1984): 3-28.

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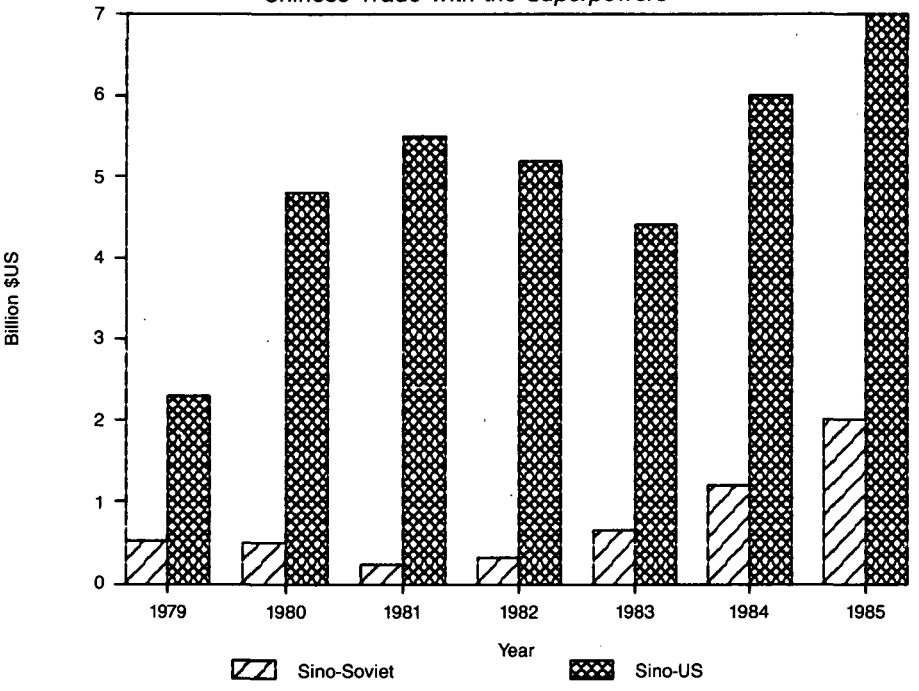
FIGURE 2

Chinese Trade with the Superpowers



gust trip to China; Chief of the U.S. Air Force Charles Gabriel's trip to China in October 1985. Substantively too, Sino-U.S. military ties developed, as most recently indicated by the contemplated sale of plans and equipment for a munitions factory[36] and navigation equipment for Chinese jet fighters.[37]

Despite the rapid rise of Sino-Soviet trade, the triangle also remained lopsided in this arena, as shown in Figure 2.[38] While Sino-Soviet trade rose by 60 percent to $2 billion in 1985 and is planned to reach $4 billion by the end of the decade,[39] Sino-United States trade had already reached $6 billion in 1984.[40] Sino-Soviet trade remained a small portion of China's overall trade, which totalled $59 billion in 1985, a 19 percent increase over 1984.[41]

The same picture was seen in academic exchanges. Sino-Soviet academic exchanges recommenced in the mid-1980s, with 69 Russians out of 1,300 foreign stu-

[36] *New York Times*, 1 October 1985.

[37] Radio Peace and Progress, 2 February 1986.

[38] Sino-Soviet figures based on United States Central Intelligence Agency, *Handbook of Economic Statistics, 1985* (September 1985), 96 and Radio Moscow, 31 March 1986, in *FBIS:SOV*, 2 April 86, B1; Sino-U.S. figures based on *The China Business Review*, March-April and November-December 1985.

[39] Radio Peace and Progress, 31 December 1985, in *FBIS:SOV*, 6 January 1986, B1.

[40] *The China Business Review*, March-April 1985, 55.

[41] Xinhua, 22 January 1986.

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dents in China in 1984[42] and an agreement in 1985 providing for an exchange of 200 students,[43] a fraction of the estimated 14–15,000 in the United States.[44]

Consultations Limited. The strategic triangle was thus still markedly lopsided. The degree to which the two sides were in 1985 even conducting a substantive exchange of ideas on international issues, much less actively cooperating, remains very much open to question. Potential areas for agreement have begun to emerge, as the Kremlin has recently stressed. L.N. Tolkunov, chairman of the USSR Supreme Soviet's Soviet of the Union, in a review of his trip to China at the head of a parliamentary delegation, wrote, for example, that: "We were told that the PRC, steering an independent course in the international arena, advocates a considerable reduction in and then the abolition of nuclear arsenals and is opposed to the 'Star Wars' plans."[45]

Other potential areas for at least a degree of agreement may include opposition to South African involvement in Namibia and Angola, to United States support for the contras in Nicaragua, to Israeli interference in Lebanese affairs, and to the deployment of nuclear weapons in the South Pacific. But there is as yet little evidence that the potential in these areas has been realized. Thus, at the moment, the broadening of topics of discussion at Sino-Soviet meetings does not seem to have led to substantive progress, although it has certainly provided an arena that can in the future be used, and used secretly. Many of the difficult formal barriers (exchanges of visits by foreign ministers, premiers, and party chiefs being excepted) have now been erased: high officials meet regularly and admit openly that they discuss international issues. When this will lead to substantive negotiations on ways for the two sides to cooperate on these issues—much less the actual implementation of a joint strategy—remains a question for the future.

Anniversary of the Invasion of Afghanistan. The third body of evidence suggesting that much of the apparent progress in Sino-Soviet relations during 1985 can be discounted concerns Sino-Soviet rhetoric. The melodious duet of cordiality heard during Arkhipov's trip and at times during the early months of Gorbachev's administration sounded increasingly flat in late 1985, despite the concerted efforts of the Kremlin to carry the tune alone. Beijing insisted all along that its position on the key security issues that divide the two governments had not changed. However, Beijing clearly advertised these disagreements less strenuously following Arkhipov's arrival in an effort to improve the tone of the relationship.

The most notable shift back to a negative rhetorical stance by Beijing concerned Afghanistan. Until 1984, Beijing marked the 27 December anniversary of the Soviet invasion of Afghanistan with high-visibility media denunciations of Soviet behavior, voicings of support for the Afghan rebels, and warnings about Soviet

[42] Beijing radio (in Russian), 16 December 1984, in *FBIS:CHI*, 19 December 1984, C1.
[43] TASS, 5 April 1985, IN *FBIS:SOV*, 5 April 1985, B1.
[44] "Avoiding a Brain Drain," *The China Business Review*, January-February 1986, 4.
[45] *Izvestiya*, 11 December 1985.

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expansionist plans. An authoritative *Renmin Ribao* editorial on 31 December 1979 saw the Soviet invasion as evidence that "its aggression and expansion has entered a new stage," with Afghanistan considered of significance by the Kremlin "because it is the road the Soviet Union must take in its southward advance."[46] Reasserting this charge in another authoritative article in the party daily on the first anniversay, the paper's "Observer" concluded that "wherever the Soviet hegemonists pursue expansionist actions, they must be resolutely resisted and counterattacked! This is the sole correct way to preserve world peace. . . ."[47] By 1982 Beijing had raised the seriousness of its anniversary critique by adding the charge that the Soviet invasion posed a "grave threat to China's security."[48] By December 1983, China was moving away from its anti-Soviet united front policy. Initial steps to improve Sino-Soviet relations had been taken, and it was becoming apparent that the Russians would not win easily. Rhetoric was moderated to focus on the valiant efforts of Third World popular movements to defeat superpower aggression and Soviet forces were described as bogged down. Concern over the expansionist threat posed by the "Soviet aggressors" in Afghanistan was muted.[49] Nevertheless, Beijing continued to denounce the Soviet invasion in harsh terms, at an authoritative level (a *Renmin Ribao* commentator), and with the USSR identified by name.

In contrast, the 1984 anniversary, which occurred while Arkhipov was in China, was greeted with silence. Chinese media refrained from observing the anniversary until early January, after Arkhipov had left. Even then, it was marked only in the form of a signed commentary in *Renmin Ribao*[50]—a vehicle formally expressing the views of an individual and, therefore, less authoritative than the unsigned "Commentator," "Observer," or "Editorial"—and a relatively bland "demand" by a Chinese foreign ministry spokesman in response to a question at a briefing that the Soviet Union implement withdrawal of its troops.[51]

The other traditional occasion for authoritative Chinese criticism of Soviet Afghan policy is the November United Nations General Assembly debate. While Beijing had insisted all along that its policy toward Afghanistan had not changed, in spite of its silence during the 1984 anniversary, the November benchmark failed to produce clear evidence in 1985. In 1984, a month before Arkhipov's visit, *Renmin Ribao* had published a short commentary noting the "overwhelming majority" in the UN in favor of a Soviet withdrawal and warning of Soviet resolve to use Afghanistan "as a springboard for achieving its southward strategy."[52] China's 1984 UN speech characterized "Soviet armed aggression in Afghanistan" as threatening both peace in Asia and the "security of China."[53] In November 1985, China's UN

[46] Xinhua, 31 December 1979, in *FBIS:CHI*, 2 January 1980, C2-4.
[47] *Renmin Ribao*, 26 December 1980, in *FBIS:CHI*, 29 December 1980, C2.
[48] *Renmin Ribao*, 27 December 1982, in *FBIS:CHI*, 27 December 1982, F2.
[49] *Renmin Ribao*, 26 December 1983, in *FBIS:CHI*, 29 December 1983, A1-5.
[50] *Renmin Ribao*, 8 January 1985.
[51] Xinhua, 9 January 1985, in *FBIS:CHI*, 9 January 1985, F1.
[52] *Renmin Ribao*, 18 November 1984.
[53] Xinhua, 14 November 1984, in *FBIS:CHI*, 15 November 1984, A1.

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speech was toned down in a way that implied less concern on Beijing's part over the strategic implications of Soviet occupation of Afghanistan by omitting its 1984 claim that the Soviet "invasion and occupation . . . threaten the security of China."[54]

However, Beijing reverted to its harsh public posture of condemnation traditional before Arkhipov's December 1984 visit to mark the 1985 anniversary of the invasion. On 25 December, a foreign ministry spokesman not only "strongly condemned the Soviet invasion and demanded an immediate and total withdrawal" but—in a move that explicitly restored the linkage between Afghanistan and Sino-Soviet relations—described the Soviet invasion as "posing a threat to China."[55] Backing up this reversion to harsher language, *Renmin Ribao's* authoritative "Commentator" charged that:

> The Soviet troops' invasion into Afghanistan has not only sabotaged the peace and stability of this area of Asia but also constituted a threat to China's security. The Chinese people cannot but pay close attention to this and hope that the Soviet Union will take concrete actions to remove this threat in order to enhance the improvement of Sino-Soviet relations.[56]

A signed commentary in the party paper on the same day charged the USSR with "whitewashing" the situation, claiming that the Kabul regime "cannot survive for even one day without the support of Soviet bayonets."[57] At the end of 1985, Beijing's public posture on the Soviet invasion of Afghanistan was fully as harsh as it had been two years earlier—before Arkhipov's visit, before the appointment of Gorbachev, and before the broadening of Sino-Soviet dialogue on international issues.

Chinese Criticism. Nor did China's treatment of the anniversary of the Soviet occupation of Afghanistan stand alone in resistance to Sino-Soviet rapprochement. In fact, December 1985 and January 1986 saw some of the most sarcastic anti-Soviet remarks made at an authoriative level in China in years. A key event in China's rhetorical shift appears to have been the early December return to China of Soviet Vice Foreign Minister Kapitsa. Distinct from the semiannual political consultations also conducted at the vice foreign minister level, Kapitsa initiated an irregular series of talks on international issues with a trip to Beijing in September 1983, and Chinese Vice Foreign Minister Qian Qichen paid a return visit to Moscow in June 1984. China's official characterization of the talks, in contrast to a relatively noncomittal Soviet description of "businesslike," was a bluntly negative "frank,"[58] an unusual instance of public disagreement and notably cooler than China's characterization of the 1983 round, which Xinhua described as "calm, frank, businesslike, and useful."[59] In a further signal of Chinese dissatisfaction with the talks, Xinhua uncharacteristically failed to report Kapitsa's departure from

[54] Ibid. For the 1985 speech, see Xinhua, 12 November 1985, in *FBIS:CHI*, 12 November 1985, A1.
[55] Xinhua, 25 December 1985, in *FBIS:CHI*, 26 December 1985, A2.
[56] *Renmin Ribao*, 26 December 1985, in *FBIS:CHI*, 26 December 1985, F2.
[57] *Renmin Ribao*, 26 December 1985, in *FBIS:CHI*, 31 December 1985, C1.
[58] Xinhua, 8 December 1985.
[59] Xinhua, 17 September 1983.

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China—an occasion on which he was reported by foreign reporters to have described the talks as "businesslike" with "good" results." The same foreign report quoted Qian as contradicting Kapitsa's optimism by describing the talks as having produced "no results."[60]

Subsequent statements by the two sides confirm the contrast between an officially pessimistic Chinese and officially optimistic Soviet stance on bilateral ties. L. N. Tolkunov, Chairman of the USSR Supreme Soviet's Soviet of the Union, noted on 11 December, for example, the establishment of an "active" political dialogue between the two sides,[61] and Moscow Radio two days later quoted Kapitsa's characterization of the talks as "good and businesslike" and noted that the two sides had agreed to hold more consultations on international issues.[62] In contrast, Chinese Foreign Minister Wu Xueqian gave an interview to Xinhua on the 8th in which he stressed that "no fundamental improvement" had occurred in relations.[63]

The Reagan-Gorbachev summit in Geneva had just improved the tone of superpower relations, holding out the possibility of substantive progress on security issues. Such superpower progress, in the absence of any Soviet concessions to alleviate Beijing's security concerns involving Moscow threatened to worsen Beijing's relative position in the strategic triangle. Moscow, in contrast, seemed to be improving its position on all fronts: lessened tension with Washington, improved ties with Pyongyang and Tokyo, and steady progress in economic and even political relations with Beijing despite its refusal to moderate its stance on security issues. Such calculations may have influenced the discordant public postures of the two sides in December.

The two sides also gave differing characterizations of other bilateral meetings at this time. On his way back from an East European tour in late December, Chinese Vice Premier Li Peng stopped over in Moscow and held what the Chinese termed "frank" talks with Gorbachev;[64] in contrast, Soviet media gave no characterization but pointed out their desires for improved relations in accordance with "the long-term vital interests of the Soviet and Chinese peoples, the interests of peace and security in Asia and all over the world." The Soviets further noted that Li Peng too had called for improved ties.[65] The next month the annual Sino-Soviet trade protocol was signed at a meeting that *Izvestiya* described as characterized by "businesslike cooperation and mutual understanding"—a meeting at which the two sides expressed a "joint desire for" increased trade.[66] The factual Xinhua report provided no description of the atmosphere at all.[67]

[60] Kyodo, 13 December 1985.
[61] *Izvestiya*, 11 December 1985, in *FBIS:SOV*, 11 December 1985, B1.
[62] Moscow radio, 13 December 1985.
[63] Xinhua, 8 December 1985, in *FBIS:CHI*, 9 December 1985, A1.
[64] *Renmin Ribao*, 25 December 1985.
[65] TASS, 23 December 1985, in *FBIS:SOV*, 24 December 1985, B1.
[66] *Izvestiya*, 23 January 1986, in *FBIS:SOV*, 27 January 1986, E1.
[67] Xinhua, 23 January 1986, in *FBIS:CHI*, 27 January 1986, C1.

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At their UN talks in September the Soviet and Chinese foreign ministers had invited each other to visit their respective countries but had set no date.[68] Following Kapitsa's December talks in China, the Soviet side stressed plans for the trip, with Kapitsa reportedly saying before leaving Beijing that Wu would visit the USSR in mid-1986[69] and Moscow Radio referring to an "announcement" by Kapitsa that the visits would take place in 1986.[70] The Chinese foreign ministry spokesman stepped back from the optimistic Soviet position at the next weekly press briefing, admitting only that the "question . . . was discussed" but asserting that "no specific dates were fixed."[71] In a remark late in January, General Secretary Hu Yaobang seemed to cast further doubt on plans for the exchange, saying that it depended "on the development of the situation."[72] The foreign ministry spokesman reiterated this new Chinese position at the next weekly briefing, with Beijing Radio broadcasting both statements in Russian to make sure the message got through.[73]

Soviet efforts to crown a year of steady improvements in Sino-Soviet relations with a dramatic step forward in official contacts carried out in an atmosphere of broadening cooperation on international issues were thus thwarted by Chinese implications that improper Soviet behavior might once again put Sino-Soviet rapprochement on hold. The substantive issues Beijing had in mind emerged with increasing clarity in early 1986, as Chinese rhetoric became strikingly more ascerbic.

The main theme of early 1986 Chinese commentary on the Soviet Union was a blunt accusation of insincerity. Starting off the new year, Vice Foreign Minister Qian Qichen noted that the security concerns summarized by China as the "three obstacles" to normalization of relations—Soviet troop deployments along China's northern border, the Soviet invasion of Afghanistan, and Soviet support for Vietnam's invasion of Cambodia—were preventing the improvement of political relations. "It seems," Qian continued, "the Soviet side has a misconception that it can get around these obstacles, or that the obstacles will vanish by themselves; this calculation of the Soviets is unrealistic and unwise."[74] Foreign Minister Wu accused the Soviets two weeks later of "dodging" the obstacles[75]—an unusually blunt indication of Chinese irritation over the Kremlin's unwillingness to compromise on the security issues. Hu Yaobang's late January remarks casting doubt on the exchange of visits by the foreign ministers included a call on the Kremlin to make "substantive efforts" to remove the obstacles.[76]

The Chinese media supported these authoritative general criticisms of the Soviet stance with an unusually hostile and detailed series of attacks on the Kremlin's

[68] Xinhua, 26 September 1985, in *FBIS:CHI*, 27 September 1985, A1.
[69] Kyodo, 13 December 1985.
[70] Moscow radio, 13 December 1985.
[71] Xinhua, 18 December 1985, in *FBIS:CHI*, 18 December 1985, A1.
[72] Xinhua, 29 January 1985, in *FBIS:CHI*, 29 January 1985, D1.
[73] Beijing radio, 30 January and 5 February 1986.
[74] Xinhua, 3 January 1986, in *FBIS:CHI*, 3 January 1986, C1.
[75] Xinhua, 16 January 1986, in *FBIS:CHI*, 16 January 1986, C1.
[76] Xinhua, 29 January 1986, in *FBIS:CHI*, 29 January 1986, D1.

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Afghan and Vietnam policies. Veteran Xinhua commentator Tang Tianri borrowed a somewhat ominous phrase in stating in late January that the Soviet Union "has tasted the same bitter fruit" in Cambodia and Afghanistan.[77] This phrase normally is reserved for use in the future tense to warn other countries of the serious consequences of failure to change their behavior. It was fired at Hanoi several times in the spring of 1984 and winter of 1985 to signal Beijing's concern during periods of Sino-Vietnamese border clashes and Vietnamese attacks on PRC-supported Cambodian guerrillas, for example. But is a term rarely addressed to the Soviet Union. In an article entitled "*Truth Daily* Does Not Tell the Truth,"[78] the Chinese party paper ridiculed a piece in the Soviet party daily *Pravda* for "obstinately" asserting that the Cambodian issue was solved, asking why, if that were so, 160,000 Vietnamese troops remained in the country. *Renmin Ribao* concluded that since the paper told not the truth but lies it could "hardly avoid putting its foot in its mouth."

The same questioning of Moscow's sincerity appeared in discussions of Afghanistan. The weekly news magazine *Shijie Zhishi* stated that the Soviet show of flexibility on Afghanistan following the Soviet-American summit did not represent a change in policy and lectured that Moscow "should show sincerity."[79] Beijing Radio reiterated the relatively uncommon accusation that Soviet involvement in Afghanistan "poses a serious threat to . . . China" in a report on the issue, which also accused the Kremlin of lacking sincerity.[80] A *Renmin Ribao* commentary portrayed "unprecedented enthusiasm on Moscow's part in talking about a political settlement" at the time of the Geneva summit as in reality accompanied by "intensified military activity on the Afghan battlefield" and concluded that Soviet indications of flexibility were "nothing but a deceptive pretense."[81]

Chinese Reappraisal. Several possible reasons can be deduced for this shift. Given the unusual appearance of flexibility on the part of the Gorbachev administration in comparison with past Soviet regimes, the apparent unwillingness of the Russians to compromise on security issues dividing them from the Chinese may well have caused a genuine change in Chinese estimates of the likelihood of further progress in relations. The easy steps—restoration of normal cultural, economic, and political contacts; institutionalization of trade relations; and the holding of discussions on international issues—had already been taken between 1982 and the end of 1985. Further progress would seem to involve real concessions, no doubt a more difficult matter.

Consistent with a pessimistic reevaluation of Gorbachev's administration by Beijing were the authoritative level at which Beijing voiced its irritation, the intensity of media attacks, the unusual bluntness and ridicule that appeared throughout

[77] Xinhua, 25 January 1986, in *FBIS:CHI*, 27 January 1986, C1.

[78] *Renmin Ribao*, 4 February 1986. The headline—"Truth Daily Does Not Tell the Truth"["*Zhenlibao* bu jiang zhenli"] made a pun on the literal translation of "*Pravda*," the Russian word for truth.

[79] *Shijie Zhishi* (No. 2, 1986), 11, in *FBIS:CHI*, 29 January 1986, C1.

[80] Beijing radio, 17 January 1986, in *FBIS:CHI*, 24 January 1986, F1-2.

[81] *Renmin Ribao*, 31 January 1986, in *FBIS:CHI*, 3 February 1986, C2.

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these comments, and the lack of any traditional date that would have called for pro forma protests extending into February (such as the 27 December anniversary). The more negative Chinese characterizations of Sino-Soviet meetings—a clear signal of discord unusual in recent years, when both sides have made public efforts to portray relations as improving—and Chinese efforts to disassociate themselves from Soviet expressions of optimism on the plans for an exchange of foreign ministerial visits underscored Chinese dissatisfaction.

Nevertheless, tactical considerations constitute an alternative explanation for the shift in Beijing's public posture. Timing suggests Beijing saw the possibility of influencing the 27th CPSU Congress. The series of blunt Chinese signals of dissatisfaction with Soviet foreign policy during January and the first half of February ceased a few days before the congress convened, as though to give Gorbachev a breather in which to reflect on Beijing's demands for actions before delivering the keynote address outlining the course of his future policy intentions.

Beijing may also have perceived that its relations with certain friendly countries were endangered by the appearance of rapid Sino-Soviet rapprochement. The Chinese backstepping over the timing of the exchange of foreign ministers at the very least signalled Beijing's desire to control the pace at which relations improved. Beyond that, Chinese demands for Soviet withdrawal from Afghanistan and Vietnamese withdrawal from Cambodia served to reassure Pakistan, Thailand, and the United States.

Just as it was in Beijing's interest to disassociate itself somewhat from the United States in 1982 to prevent Washington from taking Sino-American relations for granted, the perception of rapid improvement in Sino-Soviet relations by the end of 1985 might have been undermining Beijing's bargaining position with Moscow by leading the Kremlin to believe it could improve relations with China at Washington's expense without making concessions to Beijing on security issues. Hence the Chinese insisted that "dodging" the obstacles was unacceptable.

The pro-Beijing Hong Kong daily *Wen Wei Po* spelled out this concern that Moscow take China seriously:

> If the Soviet Union refuses to make substantive concessions on the "three major obstacles" while trying hard to whitewash Sino-Soviet relations, its intention can easily be discerned. . . . The Soviet Union tries to use China to increase its bargaining position in its talks with the United States. . . . China wants to improve its relations with the Soviet Union but on no account will it be a Soviet "China card". . . .[82]

A broader tactical consideration may have taken into consideration China's place in the Kremlin's overall policy toward East Asia. By the end of 1985, Gorbachev's efforts to improve the Soviet position in Asia were beginning to bear fruit all along China's periphery. In October the Soviet Union made a bid to improve relations with Thailand by offering to import more textiles;[83] Deputy Prime Minister Yakov Ryabov toured Southeast Asia; and Imelda Marcos visited the Soviet Union.

[82] *Wen Wei Po*, 22 January 1986.

[83] *The Nation* (Bangkok), 31 October 1985, 19, in *FBIS:SOV*, E4.

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Soviet Foreign Minister Eduard Shevardnadze's January 1986 trip to Japan, North Korea, and Mongolia even more clearly underscored Soviet efforts to improve at least the tone of relations with East Asian states. The fact that a Soviet foreign minister was visiting Japan for the first time in eight years – in itself a sign of mutual desire for progress – was quickly overshadowed by the signing of a joint communique stressing the "significance of political dialogue," an agreement for annual meetings between the two foreign ministers, and renewal of negotiations on a Soviet-Japanese peace treaty.[84]

While not a substantive breakthrough, since the dispute over ownership of four small Soviet-controlled islands north of Hokkaido remained the unresolved obstacle to better ties, which it had been since World War II, Shevardnadze's trip certainly lessened Soviet-Japanese tensions and raised the probability of future progress in political ties. In addition, Shevardnadze accepted a Japanese proposal to upgrade annual trade consultations to the deputy minister level, and trade is to be expanded.[85] Despite the continued Soviet occupation of Afghanistan – an event that had damaged Soviet-Japanese relations – Tokyo had thus signalled a willingness to improve relations. While Beijing was of course playing a similar game with Moscow, this nevertheless did nothing to strengthen Beijing's formal position of demanding a Soviet withdrawal.

Pyongyang, Shevardnadze's next stop, further lessened international pressures on the Kremlin to make concessions on its Afghan and Vietnamese policies. Despite North Korea's long-standing record of hospitality to Prince Norodom Sihanouk, titular head of the anti-Vietnamese rebels in Cambodia, the Koreans agreed to a joint communique asserting "complete consensus of views" between Pyongyang and Moscow.[86]

More specifically, the communique expressed "solidarity" with the "people and government of Afghanistan" and affirmed Korea's support for comprehensive Asian security – a Brezhnev concept that Gorbachev revived and continues to promote. As illustrated by the communique following Premier Kang Song-san's December trip to Moscow – which made no mention of Afghanistan – previous Korean support for Soviet foreign policy positions had been more restrained.[87] This shift by Pyongyang closer to Moscow's line followed the arrival in North Korea of Soviet MIG-23's;[88] an official goodwill visit to Wonsan by units of the Soviet Pacific fleet, which received widespread coverage in North Korean media;[89] and the participation in North Korea's fortieth anniversary celebrations of a Soviet delegation led by Politburo member Geydar Aliyev and a Soviet military delegation led by Soviet

[84] Kyodo, 19 January 1986, in *Foreign Broadcast Information Service Daily Report: Asia and Pacific* [*FBIS:AP*], 22 January 1986, C1.

[85] Kyodo, 16 January 1986, in *FBIS:SOV*, 17 January 1986, C3–4.

[86] Korean Central News Agency [KCNA], 24 January 1986, in *FBIS:AP*, 28 January 1986.

[87] KCNA, 28 December 1985, in *FBIS:AP*, 31 December 1985, D6–8.

[88] *Kyonghyang Sinmun* (Seoul), 22 January 1986, 2, *in Foreign Broadcast Information Service: Korean Affairs Report*, 7 February 1986, 1

[89] See, for example, KCNA, 18 August 1985, in *FBIS:AP*, 19 August 1985, D16.

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Marshal and First Deputy Minister of Defense V. I. Petrov.[90] Following Shevardnadze's visit, the signing of a Soviet-North Korean trade pact providing for the doubling of trade over the next five years was reported.[91]

Proceeding to Mongolia, already solidly in the Soviet camp, Shevardnadze underscored Kremlin efforts to consolidate the Soviet position in Asia without making security concessions to Beijing by noting in a speech that the Soviet Union favored normalization of Sino-Soviet relations "while observing the principle of not causing any harm to third countries."[92] A reasonable sounding phrase, its real meaning is to reject the very idea of discussing the Cambodian and Afghan situations with Beijing on the principle that this would constitute interference in the affairs of "third countries."

The more Soviet relations with East Asia improved, the weaker would Beijing's bargaining position vis-à-vis the USSR become. Soviet successes by the end of 1985 may well have persuaded Beijing that a reminder not to take China for granted might be timely. Forceful public reassertion that normalization of Sino-Soviet relations remained dependent on Soviet concessions in the security arena, combined with hints that Beijing might refuse to permit the exchange of foreign ministers desired by Moscow, constituted just such a pointed but low-cost reminder.

Prospects for Sino-Soviet Rapprochement

Short-term Trends. Two contradictory trends have characterized Sino-Soviet interactions during the 1980s: sustained bilateral efforts to reduce tensions and broaden the base of cooperation clash with repeated public flareups of disputes rooted in differing perceptions of national interest threatening to undermine that still fragile foundation. Both the persistence of these efforts and the bilateral nature of their impetus distinguish Sino-Soviet relations in the 1980s from those of the 1970s, when such efforts tended to be unilateral and of brief duration. Yet the underlying clash of interests between two major powers sharing a long, heavily armed border and simultaneously striving to expand their influence in the same areas of the world continued during Gorbachev's first year in office to pose an unresolvable barrier to normalization.

Over the course of the last year, Soviet foreign policy has acquired a modern style – polite, sophisticated, even congenial on occasion, its inner rigidity cloaked in a new verbal flexibility. At least on Soviet policies toward China, however, as Beijing so vocally underscored at the beginning of 1986, rather than introducing a refreshing willingness to compromise on substance, the new style has concealed its absence.

On each of the security issues Beijing has cited as obstacles to improved relations, Moscow has recently sent signals of its refusal to alter its policy. Moscow

[90] KCNA, 14 August 1985, in *FBIS:AP*, 15 August 1985, D1.
[91] Xinhua, 26 February 1986.
[92] *Izvestiya*, 26 January 1986, in *FBIS:SOV*, 27 January 1986, C4.

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announced in early January that Soviet aid to Vietnam had been "significantly increased,"[93] with Chinese media claiming that military and economic aid had been doubled to $4 billion a year for 1986.[94] Moscow continues to launch intense attacks on Afghan guerrillas. As for the third of Beijing's oft-proclaimed obstacles to "normalization"—Soviet military deployments along its northern border—despite partial Chinese demobilization[95] Moscow is not known to have responded in kind.[96] Indeed, the Soviet military paper *Krasnaya Zvezda* dismissed the Chinese troop cut as aimed at "increasing the combat capability" of the People's Liberation Army (PLA).[97]

Despite Moscow's refusal to alter its stance on these security issues and despite Beijing's refusal to ignore Moscow's behavior in Afghanistan and Indochina, the development of new channels of communication and institutionalization of economic cooperation seen during 1985 have substantively changed the relationship. The mid-1960s' deep freeze has ended; tension has been reduced, rhetoric moderated on both sides, communications channels at several levels covering a variety of issues established, and substantive cooperation legitimized. Modest progress along these lines can be expected to continue.

If the question a year ago was whether or not the bilateral efforts to improve relations could overcome disagreements on security issues, the answer now appears to be that cooperation will coexist with competition—a qualitative improvement over the 1970s giving Sino-Soviet relations a degree of stability, moderation, and complexity characteristic of relations between any two rival powers. As cooperative aspects expand and hostile aspects become more carefully restricted, Sino-Soviet relations may come to be viewed as "normalized."

Since domestic economic development appears likely to constitute the short-term focus of both nations' political energies, such a relationship is mutually acceptable. This coincidence of short-term goals suggests that in the absence of an international crisis on the order of the 1979 Chinese invasion of Vietnam or the 1979 Soviet invasion of Afghanistan, Sino-Soviet cooperation will continue to deepen but at a pace that does not upset other relationships, which will probably continue to have priority in the eyes of both Moscow and Beijing decision makers. Chinese preference for benefitting from cooperative relations with both Moscow and Washington simultaneously—in terms of economic aid and room for bargaining on a whole range of issues—rather than the inflexible reliance on Washington and self-limiting public hostility that characterized Beijing's attitude

[93] *Pravda*, 12 January 1986, in *FBIS:SOV*, 13 January 1986, E1-2.

[94] Tang Tianri, "Hanoi-Moscow Duet," in *Liaowang*, January 1986, 6-7.

[95] See *China Daily*, 25 January 1986.

[96] Harry Gelman makes the interesting argument that the Soviet military buildup in Asia is "the central 'given' in Soviet policy." If this obstacle—the only one on which Moscow could make a concession without involving third parties—is one Moscow will not compromise on, the likelihood of any concession to Beijing's security concerns seems slim indeed over the short run. See Gelman's "Continuity versus Change in Soviet Policy in Asia," *Journal of Northeast Asian Studies* 4 (Summer 1985): 1.

[97] *Krasnaya Zvezda*, 3 November 1985, in *FBIS:SOV*, 8 November 1985, B2.

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toward the USSR after Sino-American diplomatic recognition, will probably further propel relations in this direction. Such a Chinese stance is also facilitated by the appearance of a greater degree of military balance between the two superpowers today than seemed to exist in the late 1970s, when Chinese commentators frequently asserted that the USSR was on the offensive in places like Angola, Vietnam, and Afghanistan against a defensive United States. On the Soviet side, a desire to avoid a return to such a solid anti-Soviet front in East Asia and hopes of slowing U.S. provision to China of military aid will have a similar effect.

Yet the pattern of relations in recent years, which have seen repeated instances in which rapprochement has been temporarily derailed by events considerably less serious than major crises, indicates the existence of major constraints on Sino-Soviet rapprochement even when mutually desired for both domestic and foreign policy reasons.

More fundamentally, the distance toward full-scale rapprochement each side wishes to travel remains open to question. It is clear that both have tried in recent years to remove the major abnormalities of the past—the bitter, public hostility and virtual absence of those state-to-state interactions that normally give a measure of stability even to relations among enemies. This in large part has now been accomplished, and the wisdom of going further may well be under scrutiny in both the Kremlin and Zhongnanhai. Each side's repeated reaffirmations of support for its friends in South and Southeast Asia suggest that both Moscow and Beijing give higher priority to influence in these regions than to a breakthrough in relations with each other. Nor does Moscow show much inclination to weaken its military position in Siberia in return for détente with China.

Indeed, what more could either side realistically expect to gain from such concessions? The lessons of the 1950s, Chinese nationalism, and China's rising prospects as an independent nation would seem to preclude a voluntary Chinese return to subordination. What else would repay Moscow for giving up its Vietnamese bases? Moreover, history does not suggest that China would be a compliant member of the Soviet bloc if it did rejoin. For its part, Beijing values the prestige it gains from championing Third World issues as an independent actor. In addition, China now receives aid from both the U.S. and USSR, and the ties with each enhance its bargaining power vis-à-vis the other. What could the Soviet Union offer of sufficient value to repay China for relinquishing this ideal position? The costs to each of real Sino-Soviet détente are obvious; the benefits are nebulous even over the short term.

Long-term Trend. The prognosis for a long-term warming trend in Sino-Soviet relations is even more uncertain, for the long-range foreign policy goals of the two sides are not parallel or probably even compatible. Nations, like people, prefer friendly neighbors. Surely Beijing must hope over the long run not just to decrease substantively the relative Soviet superiority in military capability but to remove Moscow (not to mention Washington) from a position of influence in Southeast Asia and the Korean peninsula—which both historically and currently have been sensitive areas on China's border. Involving as they do the ultimate removal of

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Soviet military bases from Vietnam, and a fundamental shift in relative military capabilities along the Sino-Soviet border, these ambitions are not likely to facilitate the smooth development of cordial relations.

If the increased priority granted to Soviet relations with East Asian states seen during Gorbachev's first year in office becomes a permanent feature of his administration's foreign policy, this will accentuate the contradictions in Sino-Soviet strategic goals even as it argues for compromise in bilateral relations. A Soviet concession to China might irritate a Soviet ally, thus costing Moscow too much. Beijing's polite public reaction to Shevardnadze's East Asian tour notwithstanding, Korea may yet become the fourth obstacle to the normalization of Sino-Soviet relations. A collapse of central authority in the Philippines, Soviet-sponsored ethnic revolt in Pakistan, or further Chinese assertion of control over the islands it claims in the South China Sea could also have a fundamental impact on the course of Sino-Soviet relations.

Crucial to the long-term prognosis for Sino-Soviet relations is the interrelationship between conflicting strategic goals and the change in relative capabilities that is now beginning. As with Dengist China, Gorbachev's Russia also aims at rapid economic growth. But if Chinese reformers succeed in maintaining current growth rates, despite the numerous constraints imposed by lack of energy, poor transportation networks, imperfect market mechanisms, continuing population growth, etc., while Soviet reformers fail to reverse currently-declining growth rates, relative capabilities will shift markedly in China's favor in the next century.[98]

China's growth rate for the last ten years has been quadruple that of the Soviet Union, as shown in Figure 3, with China averaging about 7.5 percent and the USSR about 1.8 percent during the 1976–84 period.[99] While a focus on rates overstates China's short-term potential, since the Chinese economy has a gross national product (GNP) base only one-sixth as large as the Soviet's ($306 billion versus $1,958 billion in 1984),[100] the trend of the last decade is clearly in China's favor. China's policy of stressing economic development at the expense of the military and its current position as recipient of technical aid from both the West and the Soviet bloc[101] will promote this trend. Moreover, unlike China's production baseline, her industrial employment baseline is very high. The industrial labor force receiving this technical aid has gone from being significantly smaller than the So-

[98] For concise summary of Soviet economic problems, see Gertrude Schroeder, "The Soviet Economy," *Current History*, October 1985, 309–312, 340–342. Schroeder feels that a major rise in economic growth can only be obtained through a return to Lenin's New Economic Policy, a much more radical reform than Gorbachev appears likely to implement. D. Gale Johnson, in "Agricultural Productivity in the Soviet Union," *Current History*, ibid., 321–324, 342, notes that Gorbachev's conservative reform record as Politburo member in charge of agriculture from 1978 to 1984 also does not suggest he is likely to institute radical changes.

[99] Figures based on data in United States Central Intelligence Agency, *Handbook of Economic Statistics, 1985* (September 1985), 40.

[100] Ibid., 35.

[101] Moscow radio (in Chinese), 1 February 1986.

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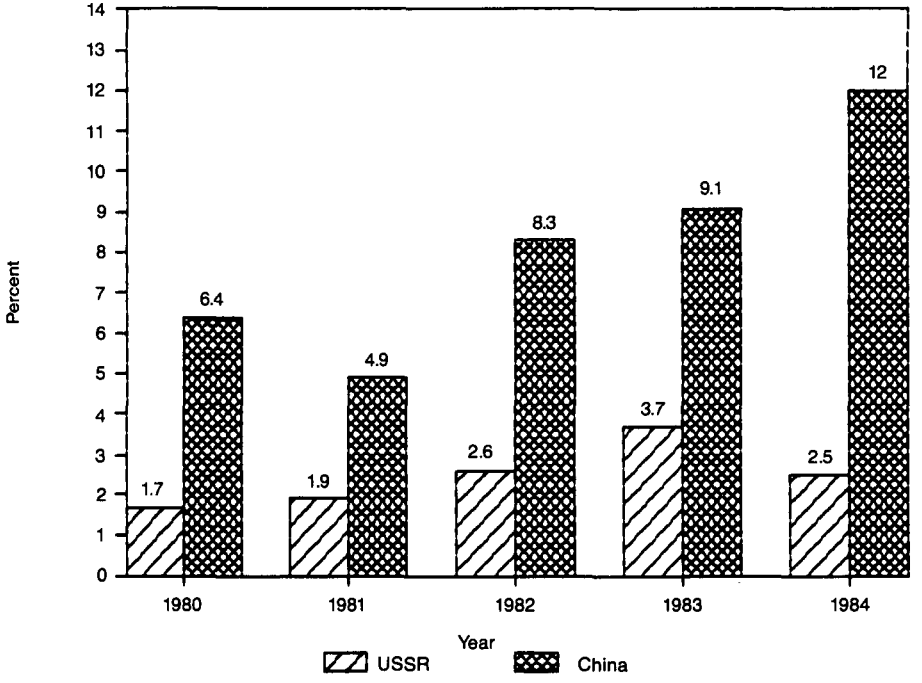
FIGURE 3

Real Soviet and Chinese GNP Growth



viet industrial labor force in 1965 (18 million versus 27 million) to more than half again as large today (58 million in China versus 37 million in the USSR in 1981).[102]

Many other scenarios are quite conceivable, given the checkered history of Chinese communism, the enormous obstacles in the path of its economic development, and Soviet reform pressures. However, if current trends continue, a shift in relative capabilities will allow Beijing to substitute for rhetoric an increasingly effective array of substantive tools for implementing its foreign policy. As Soviet military competition with the U.S. and China's current capability in certain technical areas such as rocketry show, equal performance throughout two competing economies is not necessary to enable rivals to challenge each other in carefully selected fields.

Thus, normalization will not necessarily overcome Sino-Soviet rivalry. The emergence of China as a world-class power may result in the moderation of polemics, lowering of tensions and raising of stability, regularization of contacts, and institutionalization of cooperation—that is, the "normalization"—of Sino-Soviet relations. But over the long run China's emergence as a global power may inten-

[102] CIA *Handbook*, 57.

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sify Sino-Soviet rivalry as defensive military capabilities begin to cancel each other out while political, economic, and even military power projection capabilities become less mismatched, permitting the gradual replacement of polemical competition by substantive competition.*

* The views expressed in this article are those of the author and do not necessarily represent the official position of the U.S. government.

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The American Military's Rationale Against the Vietnam War

BOB BUZZANCO

The Vietnam war is being fought again. A decade after American withdrawal from Indochina, an influential group of military figures, scholars, and politicians has begun to rehabilitate United States involvement in the war. The new revisionists have taken the offensive to challenge the view that America erred in entering Southeast Asia and suffered a military defeat there.[1] Commander of

[1] Notable revisionist work on Vietnam includes, from the military, William Westmoreland, *A Soldier Reports* (Garden City, NY: Doubleday, 1976) and "Vietnam in Perspective," *Military Review* (January 1979): 34–43; Harry Summers, *On Strategy*: A Critical Analysis of the Vietnam War (Novato, Calif.: Presidio Press, 1982); William R. Peers, "Introduction of American Combat Forces: 1965–1969," in Harrison Salisbury, ed., *Vietnam Reconsidered: Lessons From A War* (New York: Harper & Row, 1984), 44–7; Winant Sidle, "The Role of Journalists in Vietnam: An Army General's Perspective," in *Vietnam Reconsidered*, 110–2, and "The Tet Offensive: Another Press Controversy: I," in *Vietnam Reconsidered*, 164–6; Dave Richard Palmer, *Summons of the Trumpet: U.S.-Vietnam in Perspective* (San Rafael, Calif.: Presidio Press, 1978); William E. DePuy, "What We Might Have Done and Why We Didn't Do It," *Army* 36 (February 1986): 23–40; from the academic and conservative intellectual community, Guenter Lewy, *America in Vietnam* (New York: Oxford University Press, 1978); Leslie H. Gelb with Richard K.Betts, *The Irony of Vietnam: The System Worked* (Washington, D.C.: Brookings Institution, 1979); Norman Podhoretz, *Why We Were in Vietnam* (New York: Simon & Schuster, 1982); Peter Berger, "Indochina & the American Conscience," *Commentary* (February 1980): 29–39; David Fromkin and James Chace, What *Are* the Lessons of Vietnam?" *Foreign Affairs* 63 (Spring 1985): 722–46; John Wheeler, "Coming to Grips with Vietnam," *Foreign Affairs* 63 (Spring 1985): 747–58; the most important political figures to write extensively about the war are Henry Kissinger, *White House Years* (Boston: Little, Brown, 1979) and *Years of Upheaval* (Boston: Little, Brown, 1982); and Richard M. Nixon, *RN: The Memoirs of Richard Nixon* (New York: Grosset & Dunlap, 1978) and *No More Vietnams* (New York: Arbor House, 1985). For an early, yet thorough and excellent assessment of the new revi-

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American forces in Vietnam William Westmoreland, for instance, commonly blames politicans in Washington, who followed a "no-win" policy, for America's failure. Then-candidate Ronald Reagan told a 1980 audience that Americans should realize that Vietnam was a "noble cause." In 1984, Secretary of Defense Caspar Weinberger explained that "we must never again send Americans into battle [as done in the 1960s] unless we plan to win."[2]

Arguably the two most influential current revisionists are Harry Summers and Richard M. Nixon. In *On Strategy*, Summers, an infantry colonel, argues that "on the battlefield itself, the [American] Army was unbeatable," yet suffered a strategic defeat because, among other things, the United States committed two principal errors in Vietnam. Its "basic error" was concentrating military policy on counterinsurgency (CI) doctrine and thus limiting America's strategic options. Guerrilla warfare, Summers believes, was not a decisive factor in the war. Though communist guerrillas harassed and distracted Americans and South Vietnamese successfully, the war is best understood as an act of "external aggression" by the north. Coupled with this misplaced emphasis on guerrilla war, the United States, Summers asserts, mistakenly failed to take the strategic offensive. By concentrating on the south's internal problems—nation building, pacification, government instability—America neglected opportunities to take the war to North Vietnam. By respecting sanctuaries in Cambodia and Laos, failing to cut communist supply lines, and engaging in the "fatal flaw" of bombing halts, the United States consistently maintained a defensive or passive strategic posture. "Instead of orientating on North Vietnam—the source of the war—" Summers observes, "we turned our attention to the symptom— the guerrilla war in the south." Moreover, Nixon, undoubtedly the most notable champion of the war, has attacked his predecessor, Lyndon B. Johnson, for geographically limiting the war to South Vietnam and restraining the air war; and he contended that the American military won the war, but craven politicians lost the peace by refusing to support the South Vietnamese during the 1975 communist offensive.[3]

Though their emphases may vary, collectively these revisionists argue that America could have achieved strategic military victory in Vietnam; that confused and weak politicians prevented the military from using the force requisite for victory; and that the peace movement at home, led by radicals and manipulated by Hanoi, undermined the war effort. All essentially agree with Nixon's observation that the war was misunderstood and misreported then, and "it is misremembered now."[4] Nixon is undoubtedly correct. It is he and the other revisionists, however, who have "misremembered" the war. Their suggestions that the United States had the capacity and means to end the war swiftly and decisively distort many respected

sionists, see Walter LaFeber, "The Last War, the Next War, and the New Revisionists," *democracy* 1(1981): 93–103.

[2] Westmoreland, *A Soldier Reports* and "Vietnam in Perspective"; Reagan in *New York Times*, 19 August 1980; Weinberger in *Washington Post*, 12 November 1984.

[3] Summers, *On Strategy*, 21, 127; Nixon, *No More Vietnams*.

[4] Nixon, *No More Vietnams*, 9.

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military leaders' analyses, attitudes, and conclusions about Vietnam. In fact, retired Generals Matthew Ridgway, David Shoup, and James Gavin, no longer duty-bound to execute policy without comment, publicly and with increasing intensity opposed the war from the mid-1960s onward.

The Antiwar Military Leaders

Ridgway, Shoup, Gavin and other military leaders – including Air Force General Lauris Norstad; Army Generals William Wallace Ford and Robert L. Hughes; Marine Generals Hugh Hester and Samuel G. Griffith; Rear Admiral Arnold True; and Marine Colonels William Corson and James Donovan – testified before congressional committees, wrote books and articles, appeared on television and radio programs, and made the front page of American newspapers, always with the message that the Vietnam war was a political, strategic, and moral blunder from which the United States should quickly disengage. As a group, the military brass who spoke out against the war gained the attention of millions of Americans, played an important role in the national debate over Vietnam, and, maybe most importantly, provided clear evidence that a single military solution to the war in Indochina did not exist and that military factors, surely as much as domestic politics or the exigencies of public opinion, mitigated against American success in Southeast Asia.

Among the millions of Americans who opposed the Vietnam war, few, if any, spoke with the experience, authority, and legitimacy of the antiwar military brass. Those generals who spoke out were arguably the most respected and influential military figures of their time. General Matthew Ridgway had replaced Douglas MacArthur as commander of United Nations forces in Korea, served as Supreme Allied Commander (SAC) of Europe in 1952 and 1953, and was Army chief of staff from 1953 to 1955. General David Shoup received the Congressional Medal of Honor for bravery at Tarawa in World War II, served as Marine Corps commandant from 1959 to 1963, and was President John F. Kennedy's "favorite service chief." General James Gavin, the most influential military critic of the 1960s, helped plan and lead the airborne invasion for D-Day in 1944, became chief of plans and research and development for the Army in 1954, and served as ambassador to France under President Kennedy. Gavin in fact refused a fourth star and retired in 1958 to protest inadequate defense budgets of the "new look" era, believing that, "I . . . can do more on the outside for national defense than on the inside." Accordingly, he chaired Arthur D. Little, Inc., an industrial research firm, lectured, wrote books and articles, and became an outspoken and respected war critic.[5]

These military leaders added an important dimension to the public debate over Vietnam by moving beyond accusations of imperialism on the left and advocacy

[5] Matthew B. Ridgway, *Soldier: The Memoirs of Matthew B. Ridgway* (New York: Harper, 1956); Shoup background in U.S. Congress, Senate, Committee on Foreign Relations, *Present Situation in Vietnam*, 90th Cong., 2nd. sess., 1968, 1–2; and *Time*, 23 February 1962, 27; Bradley Biggs, *Gavin* (Hamden, Conn.: Archon Books, 1980), and Gavin in *Life*, 20 January 1958, 22.

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of unrestrained war on the right with a reasoned, yet passionate, strategic appraisal of the war based on their experiences as military leaders. As such, they had a profound impact. Chairman of the Senate Committee on Foreign Relations (SCFR) J. William Fulbright praised Gavin for the "most extraordinary, almost unique, experience of any man I know in the country." *The Nation* observed that Shoup's criticisms undoubtedly disturbed both hawks and administration supporters but that it was "difficult to cast doubt on the patriotism of a military man, and doubly so when he has Shoup's record of gallantry and leadership." Representative Don Edwards likewise noted that Shoup's appraisal was so important because he "cannot be dismissed as a misguided idealist, or a military novice. For forty years he has fought for the principles of democracy."[6] Indeed, these leaders' credentials were virtually unchallengeable; their views were thus legitimate, respected, and often unquestionably accurate.

Importantly, the generals initially spoke against the war while the domestic consensus in support of American involvement was still strong. In February 1966 Gavin first criticized aspects of the war in the nationally televised SCFR Vietnam hearings. That same year, in April, a Ridgway essay in *Look* questioned the strategy and morality of the war. Shoup, in a May speech, blasted intervention in much stronger terms than the others. Thereafter the generals escalated their criticism of the war. They continued to question America's commitment throughout 1966; assailed the intensification of the war from 1967 to 1969 and 1970; and opposed America's Vietnamization policy during the Nixon administration.[7]

The National Interest in Question

Above all, the generals argued that intervention in Vietnam simply did not serve the national interest because Southeast Asia was not vital to American security and that the nation had little to gain from war there. In the 1966 SCFR Vietnam hearings Gavin observed that America's concern with Vietnam had already grown "alarmingly out of balance." Gavin explained that success in Vietnam would be elusive; unconditional surrender by the enemy was impossible, while a commitment of 600,000 to 750,000 American troops was unreasonable. The war in Indochina, Ridgway noted, could undermine American hopes for arms control, exacerbate United States-Soviet tensions, cause heavy casualties, and drain the nation's capability to react to other crises. Thus, the hero of Korea concluded in 1970, a successful war effort "is not now and never has been possible *under conditions*

[6] Fulbright in U.S. Congress, Senate, Committee on Foreign Relations, *Moral and Military Aspects of the War in Southeast Asia*, 91st Cong., 2d sess., 1970, 62; *The Nation*, 17 April 1967, 483–4; Edwards in *Congressional Record—Extension of Remarks*, 18 March 1968, 6911.

[7] U.S. Congress, Senate, Committee on Foreign Relations, *Supplemental Foreign Assistance, Fiscal Year 1966—Vietnam*, 89th Cong., 2d sess., 1966 (later published by Vintage Books as *The Vietnam Hearings*); Matthew B. Ridgway, "Pull-Out, All-Out, or Stand Fast in Vietnam?" *Look*, 5 April 1966, 81–4; Shoup speech at Junior College World Affairs Day, Los Angeles, 14 May 1966, in SCFR, *Present Situation in Vietnam* (1968).

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consistent with our interests." Consequently, the United States should "repudiate once and for all the search for a military solution."[8]

General Shoup similarly questioned whether America's commitment in Vietnam could balance with the nation's responsibilities elsewhere; he maintained that North Vietnam did not have the ability to extend its control over any areas vital to the United States and doubted whether "the whole of South East Asia . . . is worth the life or limb of a single American."[9] Clearly, these generals understood that only American troops in Vietnam stood between Hanoi and victory. Their criticism and calls for settlement, therefore, directly argued that South Vietnam was not so essential to American interests to justify a huge commitment in blood and money.

Actually, such appraisals regarding Vietnam antedated America's huge commitment of the 1960s. During the siege of Dienbienphu in Spring 1954, the French requested American military support. Though Secretary of State John Foster Dulles and Chairman of the Joint Chiefs of Staff (JCS) Arthur Radford favored some form of American involvement, Ridgway helped kill the idea. The general's reasons for doing so, detailed in his memoirs just two years later, were important more for the prescient analysis he offered regarding Vietnam than as a historical narrative of the event. As Army Chief of Staff, Ridgway argued against intervention in April and May 1954. In June, after sending a study team to Indochina to investigate America's chances for success should it intervene, Ridgway concluded that Vietnam was not central to American security in Asia, was devoid of important logistical facilities, and that the combat obstacles of guerrilla war would require a vast American commitment.[10]

To Ridgway, even a limited American presence in Southeast Asia "had an ominous ring," for it would inevitably lead to a commitment of ground forces. Citing the lessons of Korea, where interdictory air warfare was often ineffective, Ridgway also dismissed advocates of United States air support, finding it "incredible . . . that we were on the verge of making that same tragic error." Similarly, General Gavin warned that the United States, if it had intervened in Vietnam, would have to prepare for a sizable war, and he observed that America faced significant problems in Indochina; in an air war, for instance, "we couldn't tell friend from foe and nuclear weapons would . . . destroy everyone. . . ." Consequently, America did not intervene at Dienbienphu in 1954. It did, however, help create and support the government of South Vietnam (GVN) at the Geneva Conference of May 1954.

[8] Gavin, *Supplemental Foreign Assistance, 1966 (The Vietnam Hearings)*, 235, 258, 260, 302–3; Ridgway in *New York Times*, 14 March 1970. (Italics in original.)

[9] Transcript of David Shoup interview with Rep. William Ryan, 19 December 1967 in David Shoup biographical file, Marine Corps Historical Center, Washington, D. C. (hereafter cited as Shoup file, MCHC.); Shoup speech, 14 May 1966, in SCFR, *Present Situation in Vietnam* (1968), 47. I would like to thank Jack Shulimson of the Marine Corps Historical Center for assistance in using the Shoup file.

[10] Ridgway, *Soldier*, 276–7; see also *The Pentagon Papers; The Defense Department History of United States Decisionmaking on Vietnam, Senator Gravel Edition*, vol. I (Boston: Beacon Press, 1971), 471–2 (document 31), and 127.

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Thus, Gavin later observed, Vietnam, by that time, "was already becoming a swamp-ridden jungle Moloch with an insatiable appetite for aircraft, arms, ammunition, and other military supplies."[11]

Challenging Political Assumptions

Despite such conditions, the United States sent vast amounts of men, money, and material to South Vietnam in the early 1960s. Consequently, the generals developed a complete critique of the war. Under the umbrella of national interest, the antiwar brass objected to America's war in Vietnam primarily on three counts. First, they argued that the anticommunist political and military assumptions that led America into the war lacked adequate forethought. Second, the generals scored American strategy because it could not lead to victory. Finally, the military critics accurately warned that the costs and consequences of the war would damage American prestige and divide the nation. Essentially, the generals determined, involvement in a situation so politically, militarily, economically, and morally flawed would severely hurt the United States. Based on their critique, the generals, throughout the later 1960s and early 1970s, openly fought against the war, which Ridgway came to consider "the most egregious mistake any U.S. Government has ever made."[12]

The assumptions that led America into Vietnam, the generals argued, had developed reflexively. Containment and anticommunism automatically motivated shortsighted American policy makers to such a degree that expansion into Indochina became unavoidable. Subsequently, the United States backed an autocratic regime, the GVN, against an enemy with strong native support. Under such conditions, American failure was virtually certain.

From 1945 on, American foreign policy sought primarily to thwart or reverse the extension of communism. Thus, those generals who criticized the Vietnam war were also indicting American foreign policy writ large. In this regard Shoup remonstrated early and militantly against the use of the "red threat" in American propaganda; in 1962 the commandant angered some military men by arguing that American anticommunism was too virulent, that he wanted to teach his troops not how to hate but how to fight.[13]

In Gavin's 1966 SCFR appearance, the general added to Shoup's critique. Gavin, certain that the United States would ultimately triumph over communism, urged restraint so that America "could win around the periphery with each confrontation." Unfortunately, Gavin believed, anticommunism was forcing the United States to match every commitment made by the Left, thus stretching the nation's criteria of vital interests out of balance. A year later he added that the American diplo-

[11] Ridgway, *Soldier*, 276–7; James Gavin, *War and Peace in the Space Age* (New York: Harper, 1958), 126–7; James Gavin, *Crisis Now* (New York: Random House, 1968), 41.

[12] Ridgway in Biggs, *Gavin*, 151.

[13] *Life*, 23 February 1962, 4.

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matic and military establishment had to quit positing America's world role vis-à-vis communist states in the usual Manichaean terms; he explained that the idea of an international "Communist conspiracy is shattered beyond possibility of recovery." General William Wallace Ford further asserted that a "blind fear of communism" had driven the country into Vietnam and caused the turmoil of the 1960s.[14]

Not surprisingly, Shoup also assailed America's motivating ideology. He insisted that America had intervened in Southeast Asia without any consideration of the effects of war and justified it by scaring the nation with visions of communists invading California, "which of course," he charged, "is a bunch of pure, unadulterated poppycock." The domino theory of communist conquest angered Shoup as well. The United States had, Shoup continued, already pushed the biggest domino in Asia, the Peoples Republic of China (PRC), to the communist side. Gavin added that even if the communists won in Vietnam, the United States could certainly secure Thailand, the Kra Peninsula (Malaysia), and the Philippines.[15]

Pleas for toleration of communism, however, had little effect, because America's urge to intervene in Vietnam had been so strong. Growing out of the anticommunist consensus, the United States came to believe that it had a duty to save the world from the Soviet Union and PRC, causing Ridgway to hope that the nation's leaders and citizens would learn that they could not re-order the world in America's image. Shoup likewise questioned American paternalism, wondering "why can't we let people *actually* determine their own destiny?[16]

The military, moreover, exploited its role as guardian of the "free world" against communism to justify involvement in Indochina. To Shoup, the JCS had prepared and pushed for war in order to assert the importance of their respective services and to secure the appropriations and promotions endemic to wartime. Colonels Donovan and Corson also assailed military eagerness to go into Vietnam. In *Militarism U.S.A.* Donovan asserted that the armed forces "participated in what may not have been exactly a conspiracy but was at least a well-organized readiness—indeed, an inclination—to get into the war." Corson developed this theme as well, going so far as to title the second chapter of his book *The Betrayal* "Medals and Promotions: The Military Strategy of Escalation." Accordingly, America entered Vietnam without a calculated appraisal of its interests or role in that region. As early as 1966 Gavin understood the dangers of such intervention, observing that America had to discover and solve political problems before arriving at a military solution; "it may be far too late for that now," he already feared.[17]

[14] Gavin in *Supplemental Foreign Assistance, 1966* (*The Vietnam Hearings*), 246, 314–5; in U.S. Congress, Senate, Committee on Foreign Relations, *Conflicts Between U.S. Capabilities and Foreign Commitments*, 90th Cong., 1st sess., 1967, 7; Ford in *New York Times*, 2 July 1971.

[15] Transcript of Shoup interview with Ryan, Shoup file, MCHC; James M. Gavin, "A Communication on Vietnam," *Harper's Magazine*, February 1966, 16–9.

[16] Ridgway in *New York Times*, 14 November 1972; Shoup in James Real article in *West Magazine*, 28 July 1968, in Shoup file, MCHC. (Italics in original.)

[17] David Shoup, "The New American Militarism," *The Atlantic Monthly*, April 1969, 51–6; James Donovan, *Militarism U.S.A.* (New York: Scribner's, 1968), 100; Gavin in *Supplemental Foreign Assistance, 1966* (*The Vietnam Hearings*), 243.

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Gavin and the other antiwar brass rooted such pessimism and reservations in their awareness of circumstances in Vietnam. They believed that America's ally, the GVN, was autocratic and unpopular; while the enemy, Ho Chi Minh's forces in the south comprised of the Viet Cong (VC) and the National Liberation Front (NLF), enjoyed genuine indigenous support. Indeed, American military leaders had criticized South Vietnam's leaders—especially Ngo Dinh Diem from 1956 to 1963 and Nguyen Cao Ky and Nguyen Van Thieu in the later 1960s—throughout the war. In the late 1950s the JCS and American ambassador to Saigon, General J. Lawton Collins, understood that Diem's repression of certain ethnic and religious groups would lead to revolt if no reforms occurred.[18]

In the military critics' views, the situation only worsened in the 1960s. In 1966 Rear Admiral True attacked the corrupt GVN leader Ky, who was "naturally willing to fight to the last American soldier and the last American dollar."[19] In 1967 Gavin, on "Meet the Press," scored the inchoate political environment in Vietnam, explaining that "if we do not have stability in the government, it is all lost." In *The Betrayal* Colonel Corson charged that America merely threw money at problems while ignoring the massive graft and corruption of the GVN. And as a member of a study team that spent seventeen days in Vietnam and then met with National Security Advisor Henry Kissinger in 1969, True attacked President Nixon for "shoring up the dictatorial regime" of Nguyen Van Thieu.[20]

While the GVN may have been an unworthy ally, the VC and NLF were undoubtedly an imposing enemy. Both Commander Westmoreland and Chief of JCS Earle Wheeler conceded that the communists had an excellent intelligence system and the means and capability to continue their impressive performance.[21] The antiwar generals added that the VC/NLF forces, clearly more able fighters than the Army of South Vietnam (ARVN), were more popular among the Vietnamese people as well. Shoup believed that America's enemy was "99 percent South Vietnamese," and that the United States was actually involved in a civil war. Though the northern army might have intervened, America could not rout the enemy because so many communists had been native to the south.[22]

Shoup and Gavin further argued that many VC cadres were not ideological communists but victims of government and upper-class oppression who had revolted as nationalists. Ho himself, they maintained, was a nationalist, albeit a communist too, who would not be a puppet of other communist powers. Gavin contended

[18] J. Lawton Collins, *Lightning Joe: An Autobiography* (Baton Rouge: Lousiana State University Press, 1979), 408.

[19] True Letter to editor of *Palo Alto Times*, 3 March 1966, in advertisement in *New York Times*, 22 May 1967.

[20] Transcript of James Gavin interview on NBC's "Meet the Press," 12 November 1967; William Corson, *The Betrayal* (New York: Ace Books, 1968), 155; True in *New York Times*, 18 July 1969.

[21] Westmoreland in *Life*, 27 November 1964, 466; Report of Chief of JCS General Earle Wheeler on the situation in Vietnam, 27 February 1968, in Gareth Porter, ed., *Vietnam: A History in Documents* (New York: Meridian, 1981), 357–62, document 229.

[22] Shoup in SCFR, *Present Situation in Vietnam* (1968), 3, 14; transcript of Shoup interview with Ryan, Shoup file, MCHC.

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that Mao Zedong did not dominate Ho and advised that the United States could thus deal with him as a "free agent." Shoup agreed and accordingly described the war as a struggle between "those crooks in Saigon" and Vietnamese nationals seeking a better life. Consequently, Gavin and Ridgway advised America to work with foreign leaders of different political color and argued for recognition of the NLF as a legitimate force in any negotiations concerning Southeast Asia.[23]

A Strategy for Defeat

The United States never did, however, achieve any type of rapprochement with Ho and continued to intensify the war. Although they disagreed with the ideas with which America legitimated entry into Vietnam, the antiwar generals understood that the nation, once committed, would pursue victory. Even if the reasons behind intervention had been logical, the brass then determined, American military strategy would not succeed. By 1968 David Shoup believed that it was impossible to defeat the Vietnamese communists. Gavin, in 1970, saw the United States irrevocably "suffering a grievous strategic defeat" in Indochina.[24] To the generals, the conditions under which the armed services operated had made the military situation irremediable. Essentially, the military critics maintained, United States forces in Vietnam lacked clear and reasonable objectives, the American strategy of military expansion was counterproductive, and Richard Nixon's plans for disengagement worked to maintain the war rather than wind it down.

A prerequisite for military success is a clearly defined set of objectives toward which military strategy is directed. In Vietnam the United States had no such goals. American civilian and military leaders consistently described America's aims in abstract terms—victory, preserving self-determination, extending freedom, restoring law and order.[25] Ridgway accordingly blasted wars based on such "admirable slogans," because those charged with prosecuting the conflict could never concretely apply those goals. In 1966 the general argued that the administration "should spell out, more specifically and pragmatically, our immediate and long-range political objectives," and firmly reject any unlimited political goal that might entail an unlimited military effort.[26]

Gavin, a year later, believed that Lyndon Johnson was committed to a long-term presence in Southeast Asia and insisted that the President had a duty to pub-

[23] Gavin in SCFR, *Conflicts Between Capabilities and Commitments* (1967), 12; *Crisis Now*, 52–63; on Ridgway see Townsend Hoopes, *The Limits of Intervention* (New York: David McKay, 1973), 111–2.

[24] Shoup in SCFR, *Present Situation in Vietnam* (1968), 8; Gavin in SCFR, *Moral and Military Aspects* (1970), 59.

[25] See Robert MacNamara in U.S. Congress, House, Subcommittee of Committee on Appropriations, *Department of Defense Appropriations for 1966*, 89th Cong., 1st sess., 1965, 58; Ibid., *Department of Defense Appropriations for 1967*, 89th Cong., 2d sess., 1966, 125, 274; Army Chief of Staff Harold K. Johnson in U.S. Congress, House, Subcommittee of Committee on Appropriations, *Defense Appropriations for 1967*, 89th Cong., 2d sess., 1966, 422; Chair of JCS General Earle Wheeler and Marine Commandant Wallace Greene in *U.S. News and World Report*, 28 February 1966, 14.

[26] Matthew B. Ridgway, *The Korean War* (Garden City, N.Y.: Doubleday, 1967), 232; "Pull-Out," 84.

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licly define his intentions in Vietnam. After the January 1968 Tet offensive, Ridgway told Vice-President Hubert H. Humphrey that he had "never known what General Westmoreland's mission was." Later Ridgway declared that America's objectives of freedom for the Vietnamese were "theoretically noble, realistically disingenuous and pragmatically fallacious," and he added that those who claimed American security was at stake in Vietnam "strained the credulity of the most naive believer."[27] Marine General Samuel B. Griffith similarly noted that the problems in Vietnam were 70 percent political, but that the United States had pursued a 90 percent military solution. Not surprisingly, when former General Douglas Kinnard surveyed 110 generals who had served in Vietnam, he discovered that 70 percent never had a clear impression of American objectives in the war.[28]

While the absence of objectives presented severe problems, America compounded its difficulties by consistently intensifying the war. The generals argued that expansion would not work in Vietnam. Gavin explained that the United States incorrectly waged a conventional, big-unit war, which was peripheral to the real problem of the VC infrastructure. In 1967 he thus recommended a troop ceiling of 250,000 and observed, "I would certainly stop all escalation and as soon as we could, begin to bring troops out."[29]

Escalation, moreover, undermined the military necessity for limited war. Ridgway argued that limited wars were not small conflicts that would later expand but were wars in which national interest and military capability limited political goals. To Gavin, politicians had to limit wars in duration as well as weapons used and areas involved in fighting; the Vietnam war, intensely waged since 1965, was thus not limited though confined to Indochina. Military victory "in the terms we usually conceive of it is impossible today," Gavin insisted. "Limited wars must be kept limited."[30] Shoup added that America could never gauge the communist reaction to its moves and thus would never be certain of the number of troops the United States might need; "you can just pull any figure out of the hat and that would not be enough," the former commandant feared.[31]

Should America fail to effectively limit the war, it could trigger a terribly expanded conflict. In 1966, Gavin felt "quite uneasy about an [American] overresponse in Vietnam" that might provoke the PRC to intervene. In fact, the brass believed that America's continued involvement in the war actually helped the PRC and Soviet Union. Those two communist powers, Gavin asserted, could pursue expansive, if not reckless, foreign policies since the United States could not challenge

[27] Transcript of Gavin interview on "Meet the Press," 12 November 1967; Ridgway in Loren Baritz, *Backfire: A History of How American Culture Led Us into Vietnam and Made Us Fight the Way We Did* (New York: William Morrow, 1985), 182; Matthew Ridgway, "Indochina: Disengaging," *Foreign Affairs* 49 (July 1971): 586.

[28] Griffith press release, in Shoup file, MCHC; Douglas Kinnard, *The War Managers* (Hanover, N.H.: University Press of New England, 1977), 25.

[29] Transcript of Gavin interview on "Meet the Press," 12 November 1967.

[30] Ridgway, *The Korean War*, 245; Gavin, *Crisis Now*, 12; Gavin in SCFR, *Conflicts Between Capabilities and Commitments* (1967), 3.

[31] Shoup in SCFR, *Present Situation in Vietnam* (1968), 15–7; see Donovan, *Militarism U.S.A.*, 157.

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their behavior while bogged down in Vietnam. While some hawks argued that China, especially during its Cultural Revolution, was too weak to intervene against the Americans, Gavin believed that undue escalation could "bring order to the Chinese situation, with a prompt and militant response to the aid of Hanoi." Shoup agreed with such analysis and also scored American relations with the PRC, complaining that the alienation of Mao might be America's "greatest blunder . . . unless the final results from our Vietnam commitment overshadow it."[32]

Despite the possibility of PRC intervention, America continued its massive commitment to the war. The dissident brass in turn lashed out more forcefully against such policy. And the generals criticized no aspect of military strategy as much as the American air war in Vietnam. The United States, especially in 1966 and 1967, conducted a massive bombing campaign against the north. From August to December 1967 alone, for example, Americans bombed almost every target of military and economic importance in North Vietnam, flying 55,000 sorties and dropping 100,000 tons of ordnance.[33] Despite such firepower Gavin noted that American bombs had not measurably reduced communist will or production; the idea of victory through the air was thus "one of the great illusions of all time." Ridgway further observed that "Korea . . . taught us that it is impossible to interdict the supply routes of an Asian army by air power alone." Shoup, moreover, believed that American bombing actually helped North Vietnam by bringing its people closer together and hardening their commitment. He believed that it was "ludicrous" to try to stop the flow of materiel by bombing and referred to communist supply routes as the "Ho Chi Minh autobahn." Colonel Donovan likewise assailed the "great bombing hoax," noting sardonically that the air war had been so ineffective that it had forced Washington, not Hanoi, to the peace table.[34]

Based on such criticism, the generals called for an immediate bombing halt. In a statement that the *New York Times* said brought "one of America's most prestigious military figures into the national debate" on Vietnam, General Lauris Norstad, one-time SAC-NATO, urged a cessation of all American hostilities and an unconditional bombing halt in November 1967. Gavin simultaneously called for a "strategy of sanity" and observed that since the north did not bomb the south, America could not expect Ho to reduce his commitment as a *quid pro quo* sign of good faith. Like Norstad, Gavin—as well as Shoup, Donovan, and Corson—urged an immediate end to the ineffective air war against the north.[35]

[32] Gavin in *Supplemental Foreign Assistance, 1966* (*The Vietnam Hearings*), 236, 262; in SCFR, *Conflicts Between Capabilities and Commitments* (1967), 4; in SCFR, *Moral and Military Aspects* (1970), 60–1, 66; Shoup in SCFR, *Present Situation in Vietnam* (1968), 48.

[33] See Hoopes, *The Limits of Intervention*, 107.

[34] Gavin in *Supplemental Foreign Assistance, 1966* (*The Vietnam Hearings*), 244; Ridgway, "Pull-Out," 81–4; Shoup in U.S. Congress, Senate, Committee on Foreign Relations, *Legislative Proposals Relating to the War in Southeast Asia*, 92d Cong., 1st sess., 1971, 493; transcript of Shoup interview with John Scali on "ABC Scope," 6 August 1967, in Shoup file, MCHC; Donovan, *Militarism U.S.A.*, 175–6, 189.

[35] *New York Times*, 9 November 1967; editorial on Norstad, ibid., 12 November 1967; *Nation* editorial on Norstad and Gavin, 27 November 1967, 548; Gavin in SCFR, *Conflicts Between Capabilities and*

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The generals also criticized the geographic expansion of the war. While many officers surely encouraged Nixon's incursions into Cambodia and Laos, others warned against such extension. Ridgway, again citing the Korean war, scored those who urged bombing of Vietnamese sanctuaries. He explained that the United States could not do so without risking a huge war any more than it could have bombed Manchurian sanctuaries in the PRC in the early 1950s. The 1970 Cambodian invasion "startled" Gavin, and he feared that Nixon might adventure into North Vietnam as well. General William Wallace Ford attacked the American effort also; if Cambodia had a "friend like us," he wondered, "what is the meaning of an enemy?"[36]

Paradoxically, America expanded into Cambodia while simultaneously involved in a "Vietnamization" of the war. The brass, not surprisingly, railed against that strategy. To General Hugh Hester, America merely fought the war by proxy during Vietnamization. He found the policy cynical and "more criminal and immoral" than direct slaughter. During disengagement, Hester explained, America was "hiring Asians to kill, maim and wound other Asians for the profit of the U.S. military-industrial complex." Gavin contended that Vietnamization really undermined America's stated aims, because it substituted a concept for withdrawal where a commitment and plans were necessary. American money and energy, he insisted, should only be used "for the extrication of our forces."[37]

Shoup likewise called on Nixon to set a date for "complete pullout" from Vietnam and believed that all American forces could and must withdraw within a month in early 1971. To Shoup, Vietnamization "was never devised to end the war"; it was intended to continue the conflict with South Vietnamese "mercenaries" while co-opting public criticism by reducing casualties. Such disengagement, Shoup added, was costly. Even with American pull-back "it would take millions of dollars, just to keep the [ARVN] equipped to fight to whatever level they fight, and to steal and thieve to whatever level they desire." Ford likewise found little comfort in America's program for withdrawal. Vietnamization, he complained, was not possible if it was contingent upon developing a stable government and army in the south, something that had not occurred since 1954. Ford further reproved Americans for ignoring the plight of the Vietnamese during Vietnamization. Those peasants took the brunt of the war, but "dead gooks" apparently did not concern the United States.[38]

Commitments (1967); transcript of Gavin interview on "Meet the Press," 12 November 1967; for calls to halt the air war see Gavin, *Crisis Now*, 64–5; Shoup in SCFR, *Present Situation in Vietnam* (1968), 27; Corson, *The Betrayal*, 263–290.

[36] Stephen Ambrose, "The Military Impact on Foreign Policy," in Stephen Ambrose and James Alden Barber, eds., *The Military and American Society* (New York: Free Press, 1972), 121–36; Ridgway, "Pull-Out," 82–4; Gavin in SCFR, *Moral and Military Aspects (1970)*, 94; Ford in *New York Times*, 18 February 1971.

[37] Hester in *New York Times*, 10 April 1970 and 3 April 1971; Gavin in SCFR, *Moral and Military Aspects* (1970), 81.

[38] Shoup statement in Vietnam Veterans Against the War (VVAW) newsletter, 16 March 1971, in FBI file on VVAW, 100-448092-80, Federal Bureau of Investigation, Washington, D.C.; Shoup in SCFR, *Legislative Proposals* (1971), 489–92; Ford in op-ed piece, *New York Times*, 2 July 1971.

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Ridgway, writing in *Foreign Affairs* in July 1971, found it difficult to reconcile the reality of disengagement with Nixon's promise that the war would end soon. So long as any American forces remained in Indochina, he feared, "the war will drag on." Thus the general urged the United States to help build up the ARVN to adequate strength for "say . . . six to nine months," and then proceed to phase down "forthwith . . . [and] expeditiously to completion" until *all* forces had left Southeast Asia.[39]

As the generals saw it, America was involved in a Catch-22 situation in Vietnam. The war had to be kept limited because the PRC could intervene; yet the United States could not expect to succeed in its limited war in Indochina. Consequently, America expanded the war, especially its massive air campaign, and failed nonetheless. With the Vietnamization program, the United States only fell deeper into the morass it had created. David Shoup observed that America had assigned its soldiers a task "impossible for them to perform." Because Ho had so much indigenous support in the south he could match American efforts without breaking his northern forces. Shoup even challenged the military's claims to success: "if I had to go through another one of those Tet Holiday winning streaks," he wondered, "I didn't know whether I could take it or not."[40] Gavin, who in 1964 had concluded that a military operation in Vietnam "made no sense" due to the nature of the war, thus observed in 1968 that "there will be no victory in Vietnam. Only more victims. This is the difficult and unfortunate truth we have to understand."[41]

Costs and Consequences of a Mistake

America's strategic failure in Southeast Asia had a tremendous economic and moral impact as well. The military critics consistently warned that the costs and consequences of the war were too high and detrimental to justify continued involvement. By 1966 Gavin, believing that Vietnam was already "an American war," asked "Is Vietnam . . . worth this investment . . . with all the other commitments we have? . . . Are we not losing sight of the total global picture?" Shoup likewise observed that American interests had suffered because of the war and noted that whatever the United States might gain in Indochina, "no matter how greatly it may be embellished, will ever equal one-one-thousandth of the cost."[42]

To the brass the Vietnam war had no moral justification either. General Hugh Hester described the war as "immoral and unjust," an act of American aggression. Shoup remarkably observed in 1966 that if the United States "had and would keep our dirty, bloody, dollar-crooked fingers out of the business of these nations so full of depressed exploited people, they will arrive at a solution of their own,"

[39] Ridgway, "Indochina: Disengaging," 583–92.

[40] Shoup in SCFR, *Present Situation in Vietnam* (1968), 5–6, 14, 24; in SCFR, *Legislative Proposals* (1971), 488.

[41] Gavin, *Crisis Now*, 39.

[42] Gavin in Supplemental Foreign Assistance, *1966* (*The Vietnam Hearings*), 239; Shoup in SCFR, *Present Situation in Vietnam* (1968), 19.

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not one "crammed down their throats by Americans." By 1968 Gavin saw the war assuming a "definitely Orwellian character." As scenes of blood and violence appeared on American televisions, basic moral principles were ravaged; America's goals "lie . . . close to forgotten. Brave men die." In early 1971 Gavin again advised immediate withdrawal "to make this country as strong as it can be and to give it back the moral strength and confidence in its own goals that it needs."[43]

With American involvement in Vietnam, fundamental morality often disappeared. "As a result of our help," Colonel Donovan charged, Vietnam had been "physically, morally, and spiritually destroyed." Colonel Lucian Truscott III further argued that the standard by which the United States judged its military success, the body count, led to atrocity because the numbers, not the humans involved in fighting, took paramount importance. Casualty figures, Truscott admonished, were "not statistics someone should use to pave his way to the stars—or more stars." Colonel Corson, moreover, assailed America's utilization of chemical warfare. By 1967, he charged, the herbicide war was "waged in the name of big business." Corson caustically observed that Rachel Carson, author of *The Silent Spring*, "must be spinning in her grave over our chemical approach to counterinsurgency."[44]

To the military critics the impact of the air war was the most reprehensible aspect of American involvement. Having already found the bombing militarily unproductive, the brass added that it was morally repugnant. Gavin recognized that American bombs were turning Vietnam into a "parking lot," and asserted that such actions would isolate America in the community of nations. The general moreover observed that the United States had already dropped millions of tons of bombs on Vietnamese non-combatants, and he asserted that "just bombing a city . . . for psychological reasons" constituted an illegitimate and unethical use of power and damaged national prestige. Gavin, in fact, went so far as to observe, after Lieutenant William Calley's conviction for war crimes, that it was "tragic when a lieutenant in the infantry gets convicted and officers flying bombers don't." Donovan too noted that the "lavish fire-power" used by the Air Force devastated an already "hapless" nation and "created desolation and called it pacification."[45]

Worst of all, the air war could result in a nuclear exchange between the United States and the PRC or Soviet Union, and genocide. Ridgway believed that a victory involving nuclear arms would be the "ultimate in immorality." He added that "there is nothing in the present situation . . . that requires us to bomb a small Asian nation 'back to the stone age.' " Gavin also warned that use of nuclear weapons would produce a horrific situation: hundreds of millions of Asians would

[43] Hester in Los Angles Bureau of Investigation report, 8 September 1970, in FBI file on VVAW, Washington, D.C., 100-448092-23; Shoup in SCFR, *Present Situation in Vietnam* (1968), 47; Gavin, *Crisis Now*, 61; Gavin in U.S. *News and World Report*, 26 April 1971, 25.

[44] Donovan, *Militarism U.S.A.*, 190; Truscott in *The Nation*, 16 November 1970, 487-9; Corson, *The Betrayal*, 68-9.

[45] Gavin in *Supplemental Foreign Assistance, 1966 (The Vietnam Hearings)*, 228, 238, 317-8; in SCFR, *Conflicts Between Capabilities and Commitments* (1967), 22-3; transcript of interview on "Meet the Press," 12 November 1967; Donovan, *Militarism U.S.A.*, 173-4.

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die, America would have to care for the ravaged survivors, and Southeast Asia's agriculture and economy would be laid flat. Shoup, moreover, argued that the air war had to stop "unless we want to commit ourselves to genocidal actions . . . ."[46]

Such moral concerns were relevant to the American economy and society as well. Hugh Hester feared that the nation was becoming an "industrial-military dictatorship" similar to Hitler's Germany.[47] American preoccupation with the war became so intense that to Gavin, the government "grossly neglected" the nation's needs. In 1968 Gavin published *Crisis Now*, which explored the twin crises of Vietnam and the disintegration of American society. While the United States spent $30 billion annually on the war, the general pointed out, violence and pollution grew more severe, authorities became more repressive, and Americans lacked adequate health care, employment training, and housing and educational facilities. Gavin, however, noted that many Americans remained wealthy and cautioned that they "cannot live in an enclave of affluence" while billions lived in poverty elsewhere. The nation deluded itself by thinking it could add to its own prosperity while ignoring other countries, because such inequality created "worldwide discontent" with which the United States would ultimately have to contend. President Johnson's Great Society, Gavin concluded, could never be great if it shut out the rest of the world.[48]

Such criticism demonstrated that the antiwar generals, perhaps more than any military figures, believed that the military-industrial complex was not balanced between the two sectors. The industrial component essentially determined the nature of the American economy; the military, though it controlled the technique of war, did not hold effective power. "What appears to be intense interservice rivalry," Gavin even observed in the late 1950s, "in most cases . . . is fundamentally industrial rivalry." Shoup, True, and Ford also recognized the vital role of big business in determining policy, consequently joining "Business Executives Move for Peace in Vietnam"—a coalition of military and financial interests opposed to the war.[49] Clearly, the antiwar brass recognized the interdependent and intricate nature of the military-political-economic state and concluded that victory, even if possible, was neither cost-effective nor moral. This convergence of military and economic forces thus demonstrated the problem of advocating a military solution in Vietnam.

[46] Ridgway, "Pull-Out," 84; *The Korean War*, 245; Gavin in *Supplemental Foreign Assistance, 1966 (The Vietnam Hearings)*, 248; transcript of Shoup interview with Ryan, Shoup file, MCHC.

[47] Hester in *New York Times*, 4 September 1966; see also Ridgway, *The Korean War*, 250; Gavin in SCFR, *Moral and Military Aspects* (1970), 84; Gavin interview in *Newsweek*, 16 October 1967, 28–9.

[48] Gavin in SCFR, *Conflicts Between Capabilities and Commitments* (1967), 7, 20: *Crisis Now*, 8–9; in U.S. Congress, Senate, Committee on Labor and Public Welfare, *Postwar Economic Conversion*, 91st Cong., 2d sess., 1970, 429–32; in SCFR, *Moral and Military Aspects* (1970), 59.

[49] Gavin, *War and Peace in the Space Age*, 256–7.

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Brass Critics and Vietnam as History

Throughout the Vietnam war Ridgway, Shoup, Gavin, and the other antiwar brass consistently objected to America's role in Southeast Asia. Such criticism, especially coming from the nation's most respected military leaders, unraveled the administration's justification for continued involvement. Yet the war continued, though certainly not because the antiwar generals did not press their message strongly enough. Their appraisals of the war were prescient and intellectually honest; they could derive little pleasure from attacking the institutions from which they had derived their influence.

Maybe most importantly, their message was directed to a national audience. Had the antiwar generals only criticized the war privately, their beliefs would not have reached millions; and the peace movement would have been deprived of an important example of unimpeachable loyal opposition. Because of the brass's open resistance to the war, however, they contributed to the national chain of opposition to Vietnam. Many politicans and media often praised and cited the military leaders' views to legitimate and strengthen their own opposition to the war. The peace movement, in turn, gained momentum as more national leaders and media questioned the American involvement in Vietnam. The brass also inspired active-duty soldiers who opposed the war. Admiral True conducted a national speaking tour sponsored by antiwar GIs. The "Ad Hoc Veterans' Committee for Memorial Day Peace Action" included antiwar statements by Shoup, Ridgway, Gavin, Hester, Ford, and True in a *New York Times* advertisement in 1967. And Shoup and Hester supported and spoke at rallies sponsored by the Vietnam Veterans Against the War.[50] Overall, the brass's antiwar message reached a large and diverse audience: *The Nation*, *New Republic*, *Time*, *Forbes*, and *National Review* all reported favorably on the military critics.[51]

The Johnson and Nixon administrations and their supporters, moreover, clearly took the antiwar military leaders seriously. The FBI reported on Hester's and Shoup's activities; True alleged that the Navy kept him under surveillance for two years and warned of "serious consequences" should he continue his outspoken opposition; a military judge refused to let Shoup and True testify at the court-martial of a Navy seaman who distributed antiwar literature; and the Marines tried to withhold William Corson's retirement pay in reaction to his book.[52]

The generals' impact was undeniably widespread. Under Secretary George Ball quoted extensively from Ridgway's memoirs to urge disengagement in a 1965 memo

[50] True's tour in copy of *Vet's Stars and Stripes for Peace*, in Shoup file, MCHC; advertisement in *New York Times*, 22 May 1967; Shoup and Hester in FBI file on VVAW, 100-448092 series.

[51] For diversity of generals' popularity see, *The Nation*, 17 April 1967, 483-4; *New Republic*, 26 October 1968, 20; *Time*, 13 October 1967, 27; *Forbes*, 1 October 1968, 57; *National Review*, 22 February 1966, 151.

[52] See New York Bureau of Investigation report on VVAW, 31 May 1968, 100-448092-10; SAC Tampa to Director, 9 October 1970, 100-448092-27, FBI file on VVAW, Washington, D.C.; True in *Washington Post*, 13 January 1971; trial details in *Washington Post*, 21 April 1970 and in *New York Times*, 21 April 1970.

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to Johnson, while the general himself was a member of the "wise men" called upon to advise the President in early 1968. In 1968 Senator Stuart Symington praised Shoup by declaring that "of all the military, there is none that I admire more than you." After Shoup's 1971 SCFR testimony, Fulbright hoped that "the President would pay some attention to it." Journalist Richard Whalen wrote in *Harper's* that Gavin had "chosen a role that could make him the Johnson administration's most formidable critic on the conduct of the war." Senator Wayne Morse apparently agreed, optimistically predicting that Gavin's 1967 SCFR testimony "will be required reading in any college classroom in which the professor really seeks to bring to the students the two sides of this great issue."[53]

Also in 1967 Gavin met with several top Republicans and responded positively to the idea of becoming a candidate for president in 1968. Above all, Gavin—a lifetime Democrat who bolted the party to protest Lyndon Johnson's escalation of the war—feared that the Republicans would nominate someone as hawkish as the incumbent: "It cannot be a Reagan," the general asserted, "a most attractive man but facing firmly toward the past." Senator Mark Hatfield similarly argued against nominating a hawk in 1968 and proposed that the GOP select Gavin as its candidate to capture the peace vote without sacrificing a commitment to national defense; and several of the general's supporters began a draft movement.[54] In 1970 Fulbright again welcomed Gavin's attack on the war; "in view of your past advice and experiences, it seems to me it is unanswerable," the SCFR chair insisted. And in 1972, after Thomas Eagleton's withdrawal, Allard Lowenstein urged George McGovern to offer the Democratic vice-presidential candidacy to Gavin. Clearly, the dissent of one general, as Benjamin Spock wrote to Hugh Hester, was "easily worth the objections of ten professors or ministers."[55]

Such contemporary praise and recognition notwithstanding, the antiwar military leaders' greatest contribution may be their legacy. As Americans confront the Vietnam war as history, the views of the new revisionists gain legitimacy and authority. The speeches and writing of Westmoreland, Reagan, Summers, Nixon and others become accepted as fact. Those generals who opposed the war in the 1960s, however, pose a formidable barrier to the conservative revision of Vietnam in the 1980s. Not content to fade away or hew the administration line, Ridgway, Shoup, Gavin and the others conducted a peace offensive of their own. While the war was in progress, the military critics assailed the very aspects of the war that the revisionists now vindicate.

[53] Ball in Larry Berman, *Planning a Tragedy: The Americanization of the War in Vietnam* (New York: Norton, 1982), 87–8; Symington in SCFR, *Present Situation in Vietnam* (1968), 19; Fulbright in SCFR, *Legislative Proposals* (1971), 500; Whalen in *Harper's Magazine*, November 1967, 107; Morse in SCFR *Conflicts Between Capabilities and Commitments* (1967), 17.

[54] Gavin on possible candidacy in *New York Times*, 11 September 1967, 12 September 1967, 18 September 1967; Gavin on Reagan in *Newsweek*, 16 October 1967, 29; Hatfield on Gavin in *Newsweek*, 16 October 1967, 27.

[55] Fulbright in SCFR, *Moral and Military Aspects* (1970), 62; Lowenstein in *New York Times*, 3 August 1972; Spock in Charles DeBennedetti, *The Peace Reform in American History* (Bloomington: Indiana University Press, 1980), 176.

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It is difficult to argue that America would have won the war if only the military were allowed to fight without restraint when the nation's most reputable military figures so vehemently opposed escalation and called for withdrawal. Colonel Summers's contentions that America should have taken the strategic offensive in a conventional war should be reconsidered in light of the dissenting generals' arguments: the political situation in Vietnam made traditional tactics unlikely to succeed, the principally guerrilla war did indeed have deep internal roots, and America's frequent attempts at strategic offensive—particularly its escalations of ground troop commitments and the air war—could not avoid failure. Moreover, Summers's and Nixon's criticisms that America erred in limiting the war to the south and in engaging in intermittent bombing halts surely do not square with Ridgway's and Gavin's caution against the geographic expansion of the war, or with Gavin's, Shoup's, and Norstad's advocacy of restraint and halts in the air campaign.

Claims of the United States's "noble cause" in Vietnam are certainly inconsistent with a former Marine commandant's charges that America had intervened in support of "those crooks in Saigon." Claims that North Vietnam was little more than a puppet client of the Soviet Union and the PRC were seriously challenged by Gavin's and Shoup's analyses, which saw Ho's struggle based on nationalism and independence from other communist powers. Weak politicians in the United States, often blamed by the revisionists for the tenuous approach to Vietnam, did not cause America's loss either. Given the untenable situation that the Americans encountered in Vietnam, as the military critics noted, success was never likely and probably not possible. Moreover, as Colonel Donovan observed, those politicians were often basing their policy on the optimistic reports they consistently received from Vietnam.[56]

Nor can the media bear responsibility for the failure in Indochina. With Ridgway, Shoup, and Gavin criticizing the war so vocally, journalists could hardly be unduly pessimistic. And the peace movement at home, a favorite revisionist scapegoat, could not have undermined a war so politically and militarily flawed in Southeast Asia. Gavin in fact applauded the antiwar forces, finding "the militant, dissident youth . . . are the only real hope for our country." He and the other military leaders, like protestors in the street, questioned the legality and morality of the war.[57] As the Vietnam war is again waged on the pages of history, the work and words of the brass critics must be returned to active service.*

[56] Donovan, *Militarism U.S.A.*, 174–5.

[57] Gavin in SCFR, *Moral and Military Aspects* (1970), 65.

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The New Protectionism: U.S. Trade Policy in Historical Perspective

PIETRO S. NIVOLA

Until quite recently, cheerful accounts charting the postwar liberalization of American international trade policy were convincing. It was correct to stress the historic shift toward free trade that began with the series of bilateral accords reached under the Reciprocal Trade Agreements Act of 1934 (RTAA), accelerated with instatement of the General Agreement on Tariffs and Trade (GATT) in 1947 and the Kennedy Round of tariff reductions in the 1960s, and seemed to progress more or less consistently thereafter. But upbeat descriptions appear increasingly inappropriate today, considering the extent to which new trade regulations—orderly marketing agreements (OMAs), voluntary export restraints (VERs), selective procurement, product standards, and "buy-American" requirements, to name a few—have replaced the old tariffs. For the most part, since the disastrous Smoot-Hawley Act of 1930, Congress has stopped short of enacting patently protectionist statutes. But a welter of restrictive devices has accumulated nonetheless, through a political process more circuitous than in the past.

The scope of today's defenses against imports is narrower than the all-embracing tariff in effect a half-century ago. Nevertheless, by 1983 they covered nearly one-third of the U.S. market in manufactured goods at an estimated cost of about $70 billion to American consumers.[1] And the coverage and cost threaten to in-

[1] William R. Cline, "Introduction and Summary" in William R. Cline, ed., *Trade Policy in the 1980s* (Cambridge, Mass.: MIT Press, 1983), 16; Bruce Bartlett, "Trade Policy and the Dangers of Protectionism" in Chalmers Johnson, ed., *The Industrial Policy Debate* (San Francisco: Institute for Contemporary Studies, 1984), 170.

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crease. Pressure to reduce imports has mounted since the conclusion in 1979 of the Tokyo Round of multilateral trade negotiations, which had sought with limited success to stem nontariff barriers. Petitions by industries seeking refuge under various safeguard laws have leaped dramatically. The United States International Trade Commission (ITC) took up almost twice as many investigations of unfair trade practices (section 337 of the 1974 Trade Act) in 1984 as in 1980, over three three times as many antidumping investigations (section 731 of the 1930 Tariff Act), and over four times as many countervailing duty cases (section 701 of the 1930 act).[2]

It is not as though complaints are being heard, but then dismissed. Comparing cases completed in 1980 and 1984, the proportion of affirmative opinions by the commission climbed from 56 percent to 66 percent after antidumping hearings, and from only 5.5 percent to 83 percent in countervailing duty cases. Only in the ITC's "escape clause" determinations (section 201 of the 1974 trade act) have the number of cases and the percentage of affirmative rulings remained relatively stable. The biggest bulge of escape clause actions occurred in 1975, after Congress eased the rules for petitioners under the 1974 law.[3] So, to the mixture of OMAs and special import fees—on footwear, television sets, ferrochrome, and other commodities—crafted during the Carter presidency, the Reagan administration soon contributed new curbs on textiles and apparel, sugar and specialty steel, motorcycles and automobiles.

Of late the congressional clamor for more sanctions has grown louder. Twice in the past four years domestic content measures have passed the House of Representatives, while reciprocity legislation cleared the Senate. In the spring of 1985, both chambers adopted near-unanimous resolutions (92–0 in the Senate, 394–19 in the House) urging the administration to strike back at Japan's predatory trade practices. And in 1985 and 1986, the legislative hoppers have been stuffed with defensive trade bills, some of which are given strong odds for passage.

To some observers, these developments may be less ominous than they sound. Arguably, trade policy making is merely reacting to the need of impacted sectors for short-term relief, which presumably terminates once the peril point has passed. Thus, illustratively, the "voluntary" restraint agreement on Japanese cars imposed in 1981 was lifted four years later amid soaring sales and profits in the American automobile industry. Furthermore, much of the current "get-tough" rhetoric spewing from Congress may amount to little more than grandstanding for key constituencies or tactical jockeying intended to strengthen the hands of trade negotiators in the executive branch.

Subtleties of this sort need to be recognized. But neither should one trivialize

[2] Specifically, the number of cases heard under section 337 of the 1974 act went from 18 in 1980 to 33 in 1984; antidumping cases went from 20 in 1980 to 71 in 1984; and countervailing duty cases rose from 6 in 1980 to 26 in 1984. United States International Trade Commission, unpublished data, May 1985.

[3] Escape clause investigations jumped from none in 1974 to 13 in 1975. The volume then slid back to 3 by 1980, but has moved up again more recently to 5 cases as of 1984.

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the long-range warping of trade that can result from temporary interventions and from Congress's crescendo of nonstatutory warnings and signals. When auto quotas were removed in the spring of 1985, Japan announced plans to step up exports, but to levels still considerably below projected U.S. demand.[4] The supply of Japanese vehicles to the American market remains constrained by the uncertain political climate wherein a market-clearing influx of imports risks a congressional furor and possible reinstallation of explicit quotas. Similarly, foreign steelmakers continue to rein in their steel shipments to this country under the threat of new dumping complaints by American producers and virulent outcries in Congress. In a word, Congress need not legislate protection to obtain it, and in any case, protectionist precedents have a way of casting long shadows upon present and future trade flows; de facto, they can stifle trade even after the formal barriers have expired.[5]

This article explores some distinguishing attributes of the present surge of protectionist activity in the United States, roughly comparing the new politics of protection with past cycles. The main dimensions assayed are the role of macroeconomic and fiscal forces, interest group patterns, regional cleavages, political party orientations, legislative-executive relations, and ideological changes.

Economic and Fiscal Determinants

To a degree, protectionism has always pulsated with growth and contraction in the economy as a whole, and naturally, with the relative vulnerability of domestic industries to international competition. Through much of the nineteenth century, tariffs went up—in 1842, 1861, 1875, and 1897, for example—in the aftermath of business slumps or panics. Periods of increased industrial exposure to imports, commonly following wartime trade disruptions, gave additional impetus to upward revisions. Thus, the Fordney-McCumber Act of 1922, which raised duties to levels higher than ever before, sought to shield businesses (young chemical companies, for instance) that had flourished during World War I but that had suddenly confronted an onslaught of foreign products after the armistice. In part, the aims of the high tariff walls right after the Civil War and the War of 1812 were similar.

By the same token, periods of prosperity and of American competitive advantage favored the relaxation of trade restrictions. In the last century, lower import duties attended the economic expansions between 1846 and 1860 and again between 1879 and 1890. In more recent times, the Kennedy Round of tariff cuts came during an era of rapidly growing gross national product (GNP), unmatched industrial productivity, and widening trade surpluses as America's share of the market in manufactured goods exceeded one-quarter of the world's exports.

[4] *Business Week*, 22 April 1985, 78–79; *Wall Street Journal*, 4 March 1985.

[5] In some cases, of course, the opposite may be true. The precedent of protection may stimulate, rather than deter, imports as exporting nations may attempt to maximize their penetration to establish market shares in anticipation of renewed restrictions. David B. Yoffie, *Power and Protectionism: Strategies of the Newly Industrializing Countries* (New York: Columbia University Press, 1983), 140.

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Then, in the 1970s, when American economic performance and hegemony started to slip (at least in comparison with the 1960s), protectionist sentiment resurfaced. A dozen new commercial rivals (South Korea, Taiwan, Hong Kong, Mexico, Brazil, and others) had joined Japanese and European manufacturers enlarging their shares of the global merchandise trade and burrowing into the home market. By 1980, imports in the United States had doubled to nearly 11 percent of GNP. Intensifying the adjustment pressures on domestic industry were three recessions marked by alarming levels of unemployment. Restrictive trade responses bobbed up in the wake of each of these downturns. A 10 percent surcharge on imports was levied in 1971; arrangements protecting textiles were negotiated in 1974; automobile VERs were contrived in 1981.

Yet, the connection between broad economic swings and the tides of protectionism should not be overdrawn. Some of the most sweeping and controversial nineteenth century tariffs, including the famous Tariff of Abominations in 1828 and the McKinley Act of 1890, were erected during an expansionary economy, in which very limited sectors risked plausible injury from imports at preexisting tariff rates.[6] Moreover, when rate increases coincided with economic slowdowns, the relationship was frequently indirect, with fiscal imperatives rather than curtailment of imports providing the main motive. Before income taxation was ratified in 1913, customs levies were the principal source of federal revenue. The levies would be raised during recessions to offset revenue shortfalls.

Nor has the revival of managed trade in the past dozen years been entirely consistent with underlying macroeconomic conditions. Recessionary interludes notwithstanding, the fact is that the U.S. economy, though growing less vigorously than in the halcyon days of the previous decade, held its own during the 1970s. Excepting Japan, GNP rose faster than in other Organization of Economic Cooperation and Development (OECD) countries. New jobs were generated at a much higher rate than elsewhere, including Japan, and the United States was one of only three major industrial countries (the others being Canada and Italy) that experienced increases in manufacturing employment.[7] The trade statistics during at least part of this period proved correspondingly favorable. Between 1973 and 1980, the U.S. trade balance in manufactured products actually shifted from a slight deficit to a surplus; a decline in America's portion of world trade in manufactured goods was arrested; and foreign trade supplied a net addition to domestic output and jobs in manufacturing.[8] Despite these circumstances further steps were taken to slow a variety of imports, ranging from steel to shoes, from meat to mushrooms, and from cookware to clothespins.

When the economy went into a tailspin between 1980 and 1982, renewed efforts to constrict imports were to be expected. So steep and protracted was the economic dive that, for the first time since the demobilization at the end of World

[6] F. W. Taussig, *The Tariff History of the United States* (New York: G. P. Putnam's Sons, 1923), chap 4.

[7] Charles L. Schultze, "Industrial Policy: A Dissent," *The Brookings Review*, Fall 1983, 4–5.

[8] Robert Z. Lawrence, *Can America Compete?* (Washington, D.C.: Brookings Institution, 1984), 7, 94.

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War II, jobs in manufacturing declined for three consecutive years setting new postwar records for unemployment. Also, this recession was unusual in that trade problems clearly contributed to its severity. While U.S. manufactured exports dropped 17.5 percent from 1980 to 1982, imports, which normally fall in a stagnant economy, rose by 8.3 percent.[9] The already depressed smokestack industries such as steel were especially hard hit. Foreign steel, which had surged to over 25 percent of domestic consumption by early 1982, helped drive American production down to only about 40 percent of capacity and pushed the industry's jobless rate to almost 50 percent. It was under these conditions that, once again, American steel firms demanded and in the fall of 1982 got relief, this time in the form of voluntary restraints on European exports.

But even as a robust recovery got under way after 1982, much of the protective regime, not only for steel producers but for a variety of other industries, remained in place. The voluntary restraint agreement on autos, for example, was extended for two more years in 1983, despite the fact that by that time the American automobile companies were recording a $6 billion after-tax profit, posting a much higher after-tax rate of return on equity than the average for all manufacturing and, indeed, one of the industry's highest rates of return in twenty-two years.[10] For a second time, the decision to renew the quotas also disregarded the ITC's original assessment that protection in this case was unwarranted. The commission had concluded in 1981 that changing tastes and the weak economy, not imports per se, were the main cause of the industry's plight. The auto quotas were finally relaxed in April 1985, but various other import bars adopted during the last recession have not withered away. As a case in point, the far-reaching Multifiber Arrangement, which has controlled trade in textiles and apparel for a decade, and which was tightened in 1981, remains fully in force. Consequently, there are fewer square-yard equivalents of clothing and textile imports into the United States now than there were in 1971.[11]

The persisting trade tensions of the past four years do not coincide with a sluggish economy; quite the contrary, a faster pace of economic growth in the United States than in western Europe and Japan sucks in imports at a higher rate. (U.S. imports exceeded exports by $42.7 billion in 1982; $69.4 billion in 1983; $123.3 billion in 1984; and an estimated $150 billion by the end of 1985.) Adding to the disequilibrium of the 1980s have been the financial problems of Third World countries. The debt crisis in Latin America, for instance, lowered U.S. exports to that region by a third between 1981 and 1984.[12] Most significantly, a severe exchange rate misalignment has accounted for much of the worsening trade imbalance.[13]

[9] Ibid., 1.

[10] Robert W. Crandall, "Import Quotas and the Automobile Industry: The Costs of Protectionism," *The Brookings Review*, Summer 1984, 8-10.

[11] Cline, *Trade Policy in the 1980s*, 36.

[12] *New York Times*, 20 October 1985.

[13] By some estimates, the dollar's high value has been responsible for as much as half to two-thirds of the current trade deficit. *Congressional Quarterly Weekly Report*, 28 September 1985, 1909.

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In the 1920s, demands for tariff hikes were stirred by depreciating currencies in Europe that gave European goods a relative cost advantage, while making American exports less price competitive. Similarly, an overvalued dollar in the 1980s has made imports cheaper while pricing U.S. products out of overseas markets. The resulting erosion of domestic market shares and losses of exports across a wide swath of American industry and agriculture have augmented appeals for import relief and for censorious measures against nations deemed to be hindering market access. Although the high-flying dollar finally started to slide downward during the summer of 1985, the adjustment has a long way to go before the flow of trade can begin to equilibrate, and it is so overdue that much of the damage already wrought in the past six years may be irreversible.

By and large, the comparative strength of the dollar against major foreign currencies has reflected high U.S. interest rates driven by huge federal budget deficits. Hence, the source of much of the current deterioration of trade is not the general state of the economy, but rather the government's mix of fiscal and monetary policies—that is, the problematic juxtaposition of bold tax reductions, relatively tight monetary targets, generous military outlays, and only modest cuts in major entitlement programs. Put simply, the roots of the trade problem and of the resurgent protectionism it has fomented are fundamentally political as well as economic.

Reconfiguration of Interest Groups

By all accounts, the supremacy of special interests maneuvering for protection reached a highwater mark with enactment of the towering tariffs of the Smoot-Hawley Act, and began to ebb thereafter. Smoot-Hawley and earlier draconian trade laws had reflected not only the prowess of protectionist lobbies but the fact that those lobbies often met with little or no organized opposition.[14] On the occasions when the tariff was trimmed, significant counterweights had helped tip the political scales. The downward revisions of 1883, 1894, and 1909, however modest, followed intense populist protests against prohibitive rates. The steep increases in the early 1920s and in 1930, on the other hand, were facilitated by the acquiescence or co-optation of traditional opponents, especially farm groups. With the deflation in agricultural prices at the end of World War I, hardpressed farmers were persuaded to accept new tariffs in 1922 by promises of higher duties on wheat, corn, meat, and sugar.[15] The normal resistance of agrarian interests to disagreeably high duties on manufactured items was thereby muted. Similarly, Smoot-Hawley started out as a response to agrarian unrest. By purporting to aid agriculture, the path was cleared for a bill that also wound up protecting just about everything else.

The tendency to liberalize trade after 1930 could be attributed in part to a new

[14] E. E. Schattschneider, *Politics, Pressures and the Tariff: A Study of Free Enterprise in Pressure Politics, as Shown in the 1929-1930 Revisions of the Tariff* (New York: Prentice-Hall, 1935), 109.

[15] Howard R. Smith, *Economic History of the United States* (New York: Ronald Press, 1955), 522.

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configuration of pressure groups. In the past, southern cotton planters and the midwestern farm bloc had fought for lower tariffs, usually with few allies. But during the New Deal and continuing well into the post-World War II period, industrial trade unions began to back open trade, as did a growing number of multinational corporations with extensive export interests. By 1962, when the Kennedy administration's Trade Expansion Act was being debated in Congress, the President's liberal proposal drew strong support from the AFL-CIO and the Chamber of Commerce, along with the American Farm Bureau Federation.[16]

But this free trade phalanx has since eroded. Farmers are increasingly divided, some factions now pressing for retaliation against the European Common Market's agricultural export subsidies. Organized labor has become a driving force in a wide assortment of anti-import campaigns. Leading industries with long histories of support for liberal trade—the automakers, for instance, which had been one of a handful of big businesses to actively oppose Smoot-Hawley—have switched sides. Even competitive and profitable companies in high-technology growth sectors such as medical equipment and electronics have chimed in. Motorola, for example, with record-high sales and profits in 1984 has favored a 15 percent surcharge on imports.

To be sure, the latest alignment is subject to strains and counterpressures. International trade represented only 6 percent of U.S. gross national product in 1973; by 1983 it accounted for 12 percent.[17] The heightened economic interdependency cuts both ways in domestic politics. On one hand, ballooning imports pose a threat to faltering industries and send them running to the government for protection. But on the other, of course, there are specific business and labor as well as consumer beneficiaries that have a vested interest in keeping U.S. markets open. It is not just Japanese automobile companies and the Japanese government that have battled local content legislation, for example. Allied with them are, among other groups, the International Longshoremen's Association and a vast network of U.S. dealerships that form a significant grassroots constituency. Most notably, exporters now have a formidable incentive to support free trade commitments. In 1930 the Smoot-Hawley tariff had provoked quick retaliation by twenty-five nations. U.S. exports fell by nearly two-thirds in just two years. But the volume of exports then was small. Today, in a concerted foreign counterpunch against another protectionist escapade, some $200 billion worth of American sales abroad would be on the line.[18]

Furthermore, the preferences of domestically-based firms and of firms with wide-ranging foreign investments, sourcing arrangements, and joint ventures can differ

[16] Robert A. Pastor, *Congress and the Politics of U.S. Foreign Economic Policy, 1929–1976* (Berkeley: University of California Press, 1980), 110–111.

[17] Margaret C. Thompson, ed., *Trade: U.S. Policy Since 1945* (Washington, D.C.: Congressional Quarterly, 1984), 2.

[18] Approximate total of U.S. exports: United States Department of Commerce, Bureau of the Census, *Statistical Abstract of the United States, 1985* (Washington, D.C.: U.S. Government Printing Office, 1984), 814–815.

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markedly.[19] Independent oil refiners, as an example, have renewed demands for import limitations on petroleum refined products. But the international oil companies, for whom such regulations would impair overseas refining operations, have denounced these efforts. Likewise, a coalition of giant retail chains, led by Sears, Roebuck and J. C. Penney, has striven to ward off further bans on imports of textiles, clothing, and footwear. Additionally, now more than ever, major financial institutions have a stake in free trade. To the American banks that floated billions of dollars in loans to less developed countries (LDCs), an accessible U.S. market for LDC exports is essential if these countries are to acquire the foreign exchange reserves needed to meet debt payments.[20]

Yet, the continuing capacity of these and other offsetting interests to resist the current protectionist drift is in doubt. Participating in the present trade dispute with Japan are not only import-sensitive home-based manufacturers, but also industries that are multinational and that are advocating trade reprisals to pry open larger shares of the Japanese market. The American integrated-circuit industry, for instance, is largely composed of firms with offshore assembly facilities and point-of-sale affiliates. Recently, it too has entered the fray, charging that Japanese computer chips are being sold below fair value in the United States and asking that the Reagan administration procure "a dramatic improvement in United States sales in Japan in a short time" (to quote a spokesman for the Semiconductor Industry Association).[21] Even among some companies that have a long and successful history of selling in the Japanese marketplace, the general perception seems to be that action is needed to blunt an unfair edge held by Japanese competitors.

Increasingly, the champions of open trade—including such vaunted lobbies as the Retail Industry Trade Action Coalition on the textile and apparel front—appear to be fighting an uphill battle against further import constraints. As this is being written, the International Trade Commission has reversed itself, suddenly recommending new limits on shoe imports. Congress has responded by passing a hard-hitting textile and footwear quota bill. The mood on Capitol Hill is defiant. Whatever the anxiety about imaginable retaliatory moves by Japan, Canada, or the European Community, it has not been acute enough to deter House and Senate committees from approving legislation that would penalize countries said to be obstructing American exports of telecommunications products. Similarly, there may be concern that adverse trade conditions make it harder for developing countries to restructure their massive debts. Yet that consideration's impact on policy has been less profound than might be expected. The American Bankers' Associa-

[19] Internationalization of production is a reactive strategy of domestic firms facing competition from low-cost imports. Potentially, as the process accelerates, it can surpass the alternative response of threatened firms—demands for protection. Joseph Grunwald and Kenneth Flamm, *The Global Factory: Foreign Assembly in International Trade* (Washington, D.C.: Brookings Institution, 1985), 217.

[20] For estimates of the full impact of nontariff barriers in industrial countries on LDC exports, see Alexander J. Yeats, *Trade and Development Policies: Leading Issues for the 1980s* (New York: St. Martin's Press, 1981), 78–79.

[21] *New York Times*, 14 June 1985.

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tion had argued in vain against the Smoot-Hawley tariff. Fifty-six years later, despite the potential for another international financial crisis, the Multifiber Arrangement, numerous agricultural quotas, and other trade limitations that undercut LDC export prospects seem here to stay, whether banking interests like them or not.[22]

The pattern of trade politics has not reverted to a lopsided contest between powerful concentrated interests and hapless diffuse ones, at least not in the style of 1930. But a gradual dissolution of the postwar free trade alliance may again make protectionist momentum difficult to stop.

Declining Sectionalism

Regionalism used to be a distinctive feature of American trade policy debates, reflecting an earlier ecology of commercial interests. For most of the 1800s and early 1900s, support for stiff tariffs emanated chiefly from the industrial Northeast and Midwest, with occasional help from western farm states. The South, heavily dependent on cotton exports, was the mainstay of open trade sentiment. The issue of the tariff was debated along territorial lines with the outcome often hinging on the relative balance of power among regions. The tariff grew steep during the period of northeastern political sway over the South and the farm belt after the Civil War and the decisive 1896 election. But prior to 1860, the standoff between North and South had forced a series of compromise tariff acts that generally accommodated the southern preference for reduced rates. Indeed, over several decades, the extreme sectional divisiveness of trade questions in the mid-nineteenth century promoted moderation in rate schedules. So fierce had been the southern reaction to the Tariff of Abominations in 1828 (South Carolina first tried to nullify the law and then threatened to secede in protest), that pragmatic protectionists such as Henry Clay came to concede lower duties for the sake of national unity.

If there is a nineteenth-century analogue to the contemporary pattern of protectionist politics, it might be the period shortly after the War of 1812, the early years of the "American System," when a national consensus, including briefly the South, sought protection.[23] Today's pleas to block imports come not just from the rust belt, but are virtually ubiquitous, including northeastern steel mills, western copper mine operators, northwestern lumber interests, southwestern petroleum and petrochemical producers, and, in the now heavily-industrialized Southeast, key textile-producing states such as Alabama, Georgia, and the Carolinas.

Inevitably, the more pervasive the distribution of special pleading, the broader the congressional coalitions likely to respond. It was hard enough to combat pro-

[22] Although President Reagan vetoed the stringent textile quota bill that Congress sent down in December 1985, the administration was reported to have made a significant concession: a promise not to weaken existing textile and apparel import restraints in force under the Multifiber Arrangement. *Congressional Quarterly Weekly Report*, 21 December 1985, 2686.

[23] Samuel Eliot Morison, Henry Steele Commager, and William E. Leuchtenburg, *A Concise History of the American Republic*, vol. 2 (New York: Oxford University Press, 1977), 173, 188.

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tectionist demands, even when entire regional delegations would press the case for free trade (as most southern members did, from John C. Calhoun to Cordell Hull). The challenge may prove all the greater now that geographic cleavages over trade have lessened.

The case of textile protection is illustrative. Afraid of foreign retaliation against farm exports, congressmen from midwestern wheat- and soybean-producing states have remained most wary of textile import barriers. This faction's regional base, however, has become too narrow to prevail against an industry spread across some forty states and scores of congressional districts, including a lot of southern counties. Whereas politicians of the Old South could be counted on to complain that textile tariffs only enriched Yankee "lords of the loom,"[24] representatives of the modern South are apt to fear "another Pearl Harbor for the textile industry in my state," as the late Representative L. Mendel Rivers intoned. He was convinced that South Carolina had been "torpedoed by Japanese competition and is in the process of sinking."[25] In this context, it is not surprising that textile import controls have grown tighter rather than looser, notwithstanding recent backlashes abroad, such as the Chinese decision three years ago to cancel several hundred million dollars worth of U.S. wheat purchases.

Shifting Party Positions

Paralleling the new, nonregional politics of trade has been a decline of partisan conflict on the issue. Earlier, not without irony, the political parties had taken up contrasting positions: the Republicans preached laissez faire but consistently promoted tall protective tariffs; the Democrats, who came to embrace a less limited role of government in managing the domestic economy, represented the steadier proponents of market freedom in international commerce. The respective postures had been shaped by the Civil War and the realigning election of 1896, which left the Democratic party with solid constituencies in the Deep South and among populist prairie farmers, while the GOP consolidated its strength in the traditionally protectionist states of the industrial Northeast.

Over some seventy-five years preceding World War II, these party differences became, if anything, increasingly distinct. Initially, the two sides had disagreed in degree more than doctrine; both recognized tariff protection, at one level or another, as a desirable crutch for nascent industries and as an indispensable fount of government funds. But by the late 1880s and 1890s, Republican administrations were at pains to defend sky-high tariffs amid growing Treasury surfeits. Presidents Benjamin Harrison and William McKinley resorted to lavish spending on veterans pensions and internal improvement programs to dispense of the embar-

[24] John C. Calhoun, quoted in Clarence Cramer, *American Enterprise: Free and Not So Free* (Boston: Little, Brown, 1972), 552.

[25] Cited in Steven Schlossstein, *Trade War: Greed, Power, and Industrial Policy on Opposite Sides of the Pacific* (New York: Congdon and Weed, 1984), 69.

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rassing surpluses. Republican platforms began justifying protection on other principles: high protective duties were vaguely associated with "a full dinner pail" and "the interests of America"; low ones with "pauper labor" and "the interests of Europe."[26] The Democrats, in turn, campaigned for tariff reform – first, under Grover Cleveland, on the grounds that excessively high rates were producing unneeded revenues, and later, under William Jennings Bryan, on the basis that the tariff was nurturing not infant industries but "monopoly under the pleas of protection."[27]

The pattern thereafter became firmly established: stern tariffs were maintained during periods of GOP control, 1896–1912 and again in the 1920s; tariff reductions required Democratic ascension, as during the presidency of Woodrow Wilson and later, the New Deal. In Congress throughout the 1930s few issues divided the parties more acutely than did trade. In the final House roll call on Smoot-Hawley, only fourteen Democrats voted for the bill and only twenty Republicans voted against it. The votes on the Reciprocal Trade Agreements Act and its successive renewals followed party lines in pretty much the same manner.

House Votes on the RTAA, 1934–1945

		Yeas	*Nays*
1934	Democrats	269	11
	Republicans	2	99
1937	Democrats	278	11
	Republicans	3	81
1940	Democrats	212	20
	Republicans	5	146
1943	Democrats	195	11
	Republicans	145	52
1945	Democrats	205	12
	Republicans	33	140

Source: Robert A. Pastor, *Congress and the Politics of U.S. Foreign Economic Policy* (Berkeley: University of California Press, 1980), 97.

But after the war the roles of the parties started to shift. At first, it was the Republicans that altered their stance. The GOP-controlled Eightieth Congress elected in 1946 did not derail the GATT conference scheduled for the following year, and the party dropped its perennial objection to trade agreements act extensions. The Republicans did exact a price for their support: in 1947 President Harry Truman had to grant an escape clause in future trade agreements permitting the United States to withdraw a concession if increased imports threatened an industry with serious injury; and in 1951, Congress added a peril-point provision setting a limit on tariff reductions the president could negotiate. But in general, the immediate postwar years marked a change in the Republican approach to trade policy.

[26] Raymond A. Bauer, Ithiel De Sola Pool, and Lewis Anthony Dexter, *American Business and Public Policy: The Politics of Foreign Trade* (Chicago: Aldine-Atherton, 1972), 16.

[27] Democratic party platform of 1900 in Lewis L. Gould, *Reform and Regulation: American Politics, 1900–1916* (New York: John Wiley, 1978), 18.

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The party abandoned its stalwart defense of high tariffs and edged toward qualified endorsement of flexible trade legislation.

In the meantime, the Democrats showed signs of modifying their free trade orientation. The economic transformation of some traditionally Democratic areas had begun to restructure their politics. Attesting to the leverage of key Democratic congressmen from southern and southwestern states, President Dwight D. Eisenhower found it expedient to set import controls on textiles and petroleum in order to secure congressional passage of the trade agreements act renewal in 1958. As had been true of virtually all other Democratic presidencies, the return of a Democratic administration in 1960 brought a new series of trade-liberalizing initiatives. Yet, even during the Kennedy Round, reverberations of the emergent protectionist biases within the Democratic coalition could be discerned. Kennedy extended Eisenhower's import restraints on oil and textiles and added some new ones – for the lumber, carpet, and glass industries.[28]

By the end of the 1960s, when protectionists in Congress became vocal again, the authors and followers of the harshest legislative proposals, such as the restrictive trade bill that carried the House in November 1970, were preponderantly Democrats. The 1970 legislation would have mandated statutory quotas for textiles, footwear, and oil, and greatly eased the procedures through which other supposedly troubled industries could obtain similar favors. The Nixon administration's objections, and ultimately a Senate filibuster, killed the measure. But before succumbing, the Democratic majority in the House had pushed it far. In the decisive floor vote, Republicans moved to recommit the bill 88 to 74, but the Democrats voted 133 to 84 to save it.[29] Intense union pressure for protection had managed to split northern Democrats; the free traders among them mustered only a thin margin of support for recommital, 73 to 63. Interestingly, the bill's strongest backing came from southern Democrats. Dramatizing the South's historic about face, these members lined up 70 to 11 against recommital.

Substantial elements of the Democratic party continued to move in a protectionist direction in the ensuing years. Prodded by the AFL-CIO, a majority of House Democrats tried to shelve the liberal Trade Act of 1974. The key roll call here came on adoption of a rule permitting floor consideration of the bill. The Democrats attempted to reject the rule, 123 to 94. By contrast, GOP lawmakers salvaged it, 136 to 24.[30] In a somewhat similar fashion, when the House adopted domestic content requirements for foreign car manufacturers in 1982, the proponents were chiefly Democrats, 171 to 58, and the critics overwhelmingly Republicans, 130 to 44.[31]

[28] Alan V. Deardorff and Robert M. Stern, "American Labor's Stake in International Trade," in *Tariffs, Quotas, and Trade: The Politics of Protectionism* (San Francisco: Institute for Contemporary Studies, 1979), 139.

[29] *Congressional Quarterly Almanac*, 1970, vote no. 204 on HR 18970, p. 72-H.

[30] *Congressional Quarterly Almanac*, 1973, vote no. 472 on H Res 657 allowing floor consideration of HR 10710, p. 148-H.

[31] *Congressional Quarterly Almanac*, 1982 · ·te no. 435 on HR 5133, p. 128-H.

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Since 1983, however, another twist has been added to the party politics of trade: among Republican legislators, a reversion to form, back to a harder line, seems under way. Consequently, the present atmosphere in Congress is one of virtually unanimous alarm about the widening trade gap and of bipartisan movement toward protective countermeasures. The way the 1984 Trade Act was passed tells the story. This legislation introduced a number of controversial import "remedies": among other things, it specified quantitative targets for voluntary steel quotas and gave the president authority to enforce them; it instructed the president to negotiate import reductions for copper; it gave grape growers standing to challenge wine imports; and, with an eye to aiding the shoe industry, further loosened the standards by which the ITC could assess certain kinds of import damage. The House approved this package on a 386–1 vote. The Senate than accepted it by acclamation.

The pervasive plaints of constituents underpin much of the recent partisan convergence. At times Republican senators seem to be matching, if not outdoing, the protectionist mood of many Democrats in the House. The sponsors of reciprocity provisions and other restrictive amendments offered during the Senate debate on the 1984 legislation, for instance, were largely Republicans – John Heinz of Pennsylvania, Pete Domenici of New Mexico, Pete Wilson of California, and others.[32] Undoubtedly, these members were listening to unhappy steel, copper, fishing, and winemaking interests in their respective states.

But the convergence is also related to the doctrinal dilemmas that the Reagan administration's economic policy has posed for both parties. Inasmuch as the bleak trade picture reflects the strength of the dollar, driven by government borrowing to finance big budget deficits, the Republican predicament is this: any serious deficit reduction plan, sufficient to achieve a dramatic and sustained depreciation of the dollar by slashing interest rates, would require not only deeper spending cuts but a tax increase (and probably a much more drastic loosening of the money supply). Such a plan, in other words, would involve an outright repudiation of the program of supply-side tax cuts and deflationary monetary restraint on which the GOP has stood since 1980.[33] If Republican legislators appear to be reaching instead for direct curbs on imports to fix the trade deficit, it is because these direct steps are a good deal easier to initiate than a sweeping, and politically awkward, reversal of basic macroeconomic policies.

For the Democrats there is a similar quandary, and it is being resolved in more or less the same way. Since the 1980 election, the party has groped for a programmatic alternative to Reaganomics. Unable to shape a separate, coherent fiscal and monetary strategy (or unsuccessful when they have tried to do so, as when Walter Mondale campaigned in 1984 for a deficit-shrinking tax increase), the Democrats

[32] *Congressional Quarterly Weekly Report*, 22 September 1984, 2296.

[33] Enactment of the Gramm-Rudman-Hollings budget-balancing law late in 1985 did not necessarily signify a fundamental policy reversal. The targets for deficit reduction contemplated by Gramm-Rudman are not likely to be met without a substantial tax hike. Whether Congress and the Reagan administration are prepared to put teeth into Gramm-Rudman by adopting a major tax increase still remains to be seen as this article goes to press.

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have repaired to microeconomic responses, such as proposals for sectoral targeting of research and development grants, and an aggressive trade agenda involving greater use of selective credit subsidies for export industries, along with more relief for sectors hurt by imports.[34] To be sure, Democrats see an opportunity to differentiate themselves from the Reagan administration by citing a need for better budgetary balance and further currency intervention to bring down the dollar's relatively high value. But lip service aside, a serious emphasis on macroeconomic solutions to the nation's trade problems ultimately requires hard choices about monetary targets, expenditures, and worst of all, taxes. For Congress, it is simpler on both sides of the aisle to digress into trade-specific measures than to make these larger choices.

Bipartisanship on trade policy was beneficial as long as it expressed an antiprotectionist political consensus. But the present asymptotic relationship between the parties on trade is having the opposite effect: it appears to be tilting majorities on both sides of the Capitol toward an escalation of belligerent oratory and punitive legislative proposals. Lacking any separate partisan base, defenders of open trade may find it harder to hold the line against these developments or even to sharpen the quality of debate about them.

Legislative-Executive Relations

It is widely recognized that with enactment of the watershed 1934 trade agreements act, the traditional dominance of Congress in trade decisions diminished and so did the orgies of legislative logrolling that spawned excesses such as the Smoot-Hawley tariff. The system devised in 1934 ceded to the executive branch authority to negotiate tariff revisions for particular items, allowing the president to promulgate them without congressional review. Because this arrangement partly removed trade policy making from the direct glare of the special interests and parochial constituencies that influenced Congress, it facilitated a series of important tariff reductions over the next thirty-five years. However, the delegation of power authorized by the 1934 act, and later reaffirmed by the Trade Expansion Act of 1962, applied to tariffs only. When it came to reaching international accords on the main contemporary source of trade distortion, nontariff barriers, American negotiators remained less insulated from congressional interference. Congress reserved the right to mandate any participation in multilateral trade conferences and to limit or reject implementation of any agreements.

The institutional struggle to maintain executive leadership in the face of this constraint has produced two kinds of outcomes. One is that Congress has been sufficiently cooperative and self-disciplined to avoid a breakdown of the ongoing international dialogue on the liberalization of trade. Legislation that would have dealt a major setback to that process was averted, albeit narrowly, in 1970; the

[34] For a similar argument, see Bruce Bartlett, "Trade Policy and the Dangers of Protectionism," in Johnson, *Industrial Policy Debate*, 160–161, 167–168.

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president was granted permission to open further trade talks in 1974; the fruits of those talks, the Tokyo Round's nontariff codes, were duly ratified in 1979; and even the 1984 trade act, despite shortcomings, called for new multilateral discussions to lower barriers against investment abroad and commerce in services.

But another, less heralded fact is that sustenance of executive discretion in trade matters has come heavily mortgaged to prearranged deals with Congress and key protectionist lobbies. Each of the authorizing statutes that extended presidential prerogatives was accompanied by political concessions with significant policy implications. President Richard Nixon for example, enhanced the prospects of his much-acclaimed 1974 trade act by first accommodating two powerful interest groups—textiles and steel—outside the legislative framework, much as Kennedy had done in the run up to the Trade Expansion Act. Five years later, the textile and steel industries were bought off again, this time by the Carter administration, scrambling to keep statutory quotas out of the 1979 Trade Act and to renew presidential authority to waive countervailing duties. The 1984 trade package received a lift when the Reagan administration made a timely announcement that it would seek new restraint agreements with steel-exporting nations.

The received wisdom is that such actions gave away little and accomplished a lot. Presumably, they helped divide and conquer protectionist coalitions, clearing the way for generally constructive legislation. And since the scattered favors have been mostly sectoral and nonstatutory, they remain a far cry from the comprehensive, legislated trade walls in place a half-century ago. Yet, from another perspective, the numerous compromises have piled up plenty of bad precedent. Increasingly, politically influential industries seem to have learned that they can creep through the back door, invited by presidents anxious to co-opt protectionist interests for the purpose of keeping Congress's trade statutes relatively uncontaminated. But if these interests can routinely collect anticipatory side payments as the quid pro quo for "clean" trade bills (a pattern exemplified by the customary special treatment of steel and textiles), the distinction between statutory protection and this back-door regime becomes somewhat academic.

Moreover, some of the bargaining cannot be regarded strictly as the price that has to be paid to achieve presidential legislative requests. Rather, it is often set in motion by other political imperatives, such as electoral calculations or policy concerns unrelated to trade. Although negotiations to curtail Japanese textile exports bore fruit in time for the debate on the 1974 trade bill, Nixon's exertions had actually commenced six years earlier with a campaign pledge linked to his "southern strategy." As for Carter's steel trigger-price mechanism, the effect of which was to expedite grievance petitions against foreign suppliers, its purpose was not just to boost the administration's omnibus trade initiative in 1979; the arrangement with steel was one of many promises key corporate interests wrested when the administration was desperate to round up business support for its controversial energy program.[35]

[35] Pietro S. Nivola, *The Politics of Energy Conservation* (Washington, D.C.: Brookings Institution, 1986), 120.

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Intensifying the politicization of presidential decision making on trade have been changes in the trade remedy procedures to which pressure groups have recourse.[36] The 1974 and 1979 laws shortened the criteria and lag times for obtaining redress in escape clause and countervailing duty cases. As a condition for passage of the 1979 bill, Carter also agreed to transfer out of the Treasury Department the power to levy countervailing duties and to administer antidumping sanctions; these tasks were handed to a more zealous bureaucracy, the Department of Commerce. The result was that the number of petitions climbed and so did the probability that the International Trade Commission would find in favor of petitioners. A role of the various safeguard laws had been to cushion both Congress and the president from demands for protection by deflecting the heat onto a separate regulatory body, the ITC. Nowadays, this "escape valve" function is being worn away under the torrent of ITC cases and the inability of the agency's deliberations to buffer presidents from the political repercussions.

Between 1975 and 1984, thirty escape clause decisions were bucked up to the White House with affirmative recommendations by the commission. Under previous law there had been a total of only four. It is true that presidents have continued to deny relief in most instances. In the thirty cases where the ITC ruled in favor of the petitioning parties, tariffs, quotas, or OMAs were finally ordered in only twelve. Yet, what might seem like an exercise in moderation—the propensity of the White House to overrule the ITC 60 percent of the time in the past ten years—still has brought protection to a growing volume of trade simply because caseloads have burgeoned in absolute terms. And the success rate of petitioning interests may well increase in the future as more engage in the incipient tactic of filing their claims during presidential election years, the way a big winner, the carbon steel industry, did in 1984. Furthermore, some groups have figured out that trade-inhibiting pacts can be attained even without any ITC ruling at all. The recent executive agreements suppressing European steel exports followed a raft of antidumping and countervailing duty complaints submitted in 1982. The ITC never adjudicated these complaints; rather, the mere threat that it would propelled the Europeans to seek what amounted to an out-of-court settlement after which the U.S. producers withdrew their petitions.

The basis for sound executive management of trade policy is the ability of Congress to restrain itself. To a significant degree, it has—at least in the sense of preventing major trade bills from degenerating into retrograde laws loaded with protectionist amendments in the fashion of the pre-1934 tariff acts. Particularly helpful was the so-called fast-track provision in the Trade Act of 1974, which required an up-or-down vote on the Tokyo Round's final agreement within ninety days of submission to Congress, and which limited crippling amendments to the 1979 legislation. But beyond that, the extent of congressional self-restraint would

[36] For this analysis of the effects of changes in the trade remedy mechanisms, I draw on the current research of I. M. Destler at the Institute for International Economics, Washington, D.C. I am indebted to Dr. Destler for making his work available.

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seem to be increasingly debatable. The image of a docile and deferential Congress, limiting its role to making noise and firing an occasional "shot across the bow" of the White House, the United States Trade Representative, the State Department, or foreign governments has been misleading for some time, and it is especially so at present.

For one thing, seemingly minor procedural modifications of law since the mid-1970s have had extensive policy consequences, as when Congress opened the flood gates for trade grievance actions. For another, there is no need to *enact* protection if by feigning to legislate Congress obtains from the president what is tantamount to the desired result. Recent examples abound. Ronald Reagan's choice in 1984 to request voluntary limits on foreign carbon steel products was timed to head off congressional moves; the House appeared poised to add a steel quota bill to the comprehensive trade legislation pending that year. Likewise, another weighty decision, the notion of asking the Japanese to cap automobile exports, was partly aimed at preempting possible legislated quotas early in 1981; that spring, a Senate bill setting mandatory quotas evidently commanded enough votes to override a presidential veto.[37] Finally, there have been several close calls, times when severely protectionist measures lumbered perilously far down the road to adoption. Only a filibuster checked such legislation in 1970, for instance; and in 1978, Jimmy Carter's veto was required to stave off a bill that would have disallowed all U.S. textile tariff concessions negotiated during the Tokyo Round. In 1984, last-minute maneuvers by congressional leaders, and not a little luck, stopped the Senate from pushing in conference a vehicle freighted with protective provisions, for textiles, bromine, ferroalloys, and dairy products, along with steel, shoes, and wine. A year later, a similar effort to protect the textile, shoe, and copper industries actually carried both houses of Congress. Although the margins of passage fell short of the two-thirds needed to overcome a veto from President Reagan, the bill's managers felt the majorities were wide enough to promise a rematch in 1986.

Structural changes at both the executive and legislative ends have combined to augment congressional trade activism and increase presidential responsiveness to it. On Capitol Hill the management of trade legislation is less centralized than it was before the mid-1970s. Responsibility used to be concentrated almost exclusively in the tax-writing committees, by virtue of their primary jurisdiction over the tariff and the once-unique authority vested in the chairman of the House Ways and Means Committee.[38] But as trade questions moved far beyond tariffs and con-

[37] For an analysis of the political impact of this bill, see the good case study of the auto VER by Stefanie Ann Lenway, *The Politics of U.S. International Trade* (Boston: Pitman Publishing, 1985), esp. 157–159.

[38] Prior to the reforms of 1975, the House Ways and Means Committee doubled as the "committee on committees," with unique powers over committee assignments. The committee was also a smaller, more cohesive unit, whose chairmen tended to be senior, old-school southerners with liberal trade leanings. See, for example, the description of Representative Jere Cooper (D., Tenn.) in the 1950s: Bauer et al., *American Business*, 59. See also Pastor's account of Wilbur Mills's leadership in the late 1960s and early 1970s: Pastor, *Congressional Politics of U.S. Foreign Economic Policy*, chaps. 4 and 5.

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gressional reforms restructured the power of Ways and Means, control became more dispersed, spreading not only downward to multiple subcommittees, but outward to other panels. Whereas a handful of players directed legislative activity in the past, now everybody seems to come bounding into the game, induced by specialized policy requirements, but also by increased staff support and more outlets for political entrepreneurship in the trade field.[39] So, the House Energy and Commerce Committee extends its reach into trade policy by concocting domestic content proposals; the Senate Judiciary Committee considers reciprocity legislation for antitrust rules; the House and Senate Armed Services Committees ponder international procurement practices; the Banking Committees pursue their own agenda on foreign investment, international monetary matters, and the Export-Import Bank. Not only has the number of participants proliferated, but their initiatives are proving harder to regulate. The case of domestic content legislation is symptomatic. At one time, bills of this sort would likely have been sidetracked without floor votes on grounds of brushing too near the turf of Ways and Means. Now, thanks to the weakening of that committee's gatekeeping influence, plus new parliamentary norms easing access (through "open rules") and on-the-record roll calls, such bills have repeatedly passed the full House.

At the same time, in the realm of presidential politics, new pressures of the electoral process are having a corrosive effect on policy-making latitude and autonomy. Responding to the modern rigors of gaining or regaining nominations and of financing campaigns, presidential candidates seek and enter office burdened with more commitments to special interests. Walter Mondale's candidacy in 1984 was perhaps the clearest recent example of this potential trap. Had Mondale won, there is little doubt that his numerous campaign-born obligations and understandings with organized labor and other trade-sensitive groups would have narrowed significantly his policy options as president. Although Mondale's rival was not equally encumbered, some of the trade sanctions that evolved during the Reagan administration's first term—the capping of auto imports, for instance—could be traced in no small part to the politics of the 1980 election. In the heat of the race that autumn, Reagan had promised to "try to convince the Japanese that the deluge of their cars into the United States must be slowed."[40]

In sum, the continuing capability of presidents to steer trade policy onto a liberal course is being severely tested. If there ever was a time when they enjoyed a fairly free hand at the helm, those days appear to be waning. Institutional developments have worked to make Congress more assertive and the executive less independent in formulating foreign economic policy.

[39] I owe much of this discussion to the insights of I. M. Destler. My analysis also relies heavily on the excellent piece by Robert Pastor, "The Cry-and-Sigh Syndrome: Congress and Trade Policy," in Allen Schick, ed., *Making Economic Policy in Congress* (Washington, D.C.: American Enterprise Institute, 1983), 170–174.

[40] Stephen D. Cohen and Ronald I. Metzger, *United States International Economic Policy in Action* (New York: Praeger, 1982), 75.

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Ideological Changes

Historically, periods of trade liberalization have unfolded when a commanding rationale of one sort or other captures the public imagination and frames political discourse on the subject. When Presidents Grover Cleveland and Woodrow Wilson sought major tariff revisions, the terms of the national debate were defined by tying tariff reform to assaults on "unnecessary taxation" and the "trusts."[41] During the New Deal tariff reductions were linked to a broad program of economic recovery and inspired by a conviction that the Smoot-Hawley Act had contributed to the Great Depression. For a quarter-century after World War II, trade policy was informed by prevalent foreign policy principles: reconstruction of the Japanese economy; strengthening the Atlantic community; containment of communism.[42]

Different ideas are in the air today. Expressed less frequently is the argument that national security requires open trade to boost the economies of western allies. Rather, the preoccupation is with how to force America's trading partners onto "a level playing field," contemplating tactics that not long ago would have been labeled sure recipes for trade war but that now are termed reciprocity. This notion that the playing field of global commerce has to be flat to be fair implies bringing sanctions or taking other counteractive measures against foreign economic practices wherever they are said to be skewing the terms of trade. In a way, the mission is a throwback to the equalization concept embodied in the tariff laws of the 1910s and 1920s. There isn't a world of difference between the underlying logic of those laws, which set import fees to offset international variability in costs of production, and the current view that imports must be controlled because the production costs and prices of tradeable goods vary, as they inevitably do, with opaque economic policies of governments. The conception of a "level" field, therefore, represents a fairly radical departure from liberal trade theory, which holds that economic diversity—rooted in geographic conditions, natural resource endowments, relative factor costs, and unavoidably, the varying relationships between public and private sectors—is the basis of comparative advantage and hence of the incentive for international trade itself.[43]

In any event the search for a smooth trading field (an objective that vastly broadens the range of trade practices deemed unjust) reflects the elusive goals of contemporary trade negotiations. The initial task of the GATT process had been clear: to arrange a series of reductions in tariffs, the most explicit type of trade restriction. But the very success of GATT in bringing tariffs down to a fraction of their prewar levels laid bare the growth of less visible trade restraints. As one

[41] Grover Cleveland cited in Cramer, *American Enterprise*, 561; Morison et al., *Concise History*, 532–533.

[42] Bauer et al., *American Business*, 19–22.

[43] The conception, predicated on strict reciprocity principles, would also imply abandonment of unconditional most-favored-nation treatment of trading partners. Retaliation against a country judged nonreciprocal would entail discriminating among suppliers, a fundamental violation of Article I of the GATT. Cline, *Trade Policy in the 1980s*, 17.

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writer observed at the conclusion of the Kennedy Round, "The lowering of tariffs has, in effect, been like draining a swamp. The lower water level has revealed all the snags and stumps of nontariff barriers that still have to be cleared."[44] Commencing in 1974, the Tokyo Round tried to chip away at some of the stumps—export subsidies, discriminatory product standards, procurement procedures, and customs valuation methods, among others—but after five arduous years reached only limited agreement on how to deal with them through appropriate international codes. The multilateral discussions failed to agree on a code for the most common evasion of GATT rules, the spreading use of voluntary export restraints, and scarcely addressed a host of other thorny questions including the problems of industrial targeting, state-owned monopolies, misaligned exchange rates, subsidies through tax concessions, performance requirements governing foreign investment, licensing in services, antitrust regulations, and violations of intellectual property rights, to name a handful.

Some of these issues will be tackled, and maybe settled, in future trade parleys, but many will not. For example, hopes of leveling industrial policies (assuming these phenomena are definable) are likely to be dashed as soon as everyone admits that the aspiration entails a reductio ad absurdum. Industrial policy, after all, encompasses everything from national tax structures to the allocation of defense research and development. It also is hard to imagine a trade colloquy that will eliminate industrial subsidies as well as permit unfettered market penetration in economies with large publicly-owned sectors, since nationalized industries are often subsidized and created to operate as monopolies by definition. Likewise, in a world of floating exchange rates, negotiated currency realignments that might help even out imbalances in price-competitiveness ultimately involve macroeconomic policy adjustments that are difficult, if not impossible, to coordinate between nations. Stabilization of the dollar at "desirable" rates of exchange with other leading currencies, for example, may well require lower federal deficits and interest rates in the United States, matched by an opposite blend of fiscal and monetary policies elsewhere. In short, the desire to even the field for foreign trade expresses the central tension of modern trade politics: awareness that international economic relations are distorted by the *totality* of government intervention in private economies, alongside rising expectations that something be done about the problem even though much of it will always elude the grasp of negotiators.[45]

Exhibiting the political frustration and confusion surrounding today's phantom trade distortions is the controversy over the growing bilateral trade gap with Japan. Initially, accusations of unequal market access centered on overt methods of protection, namely, tariffs and quotas. By the early 1980s, however, tariffs in Japan averaged below those of the United States and the European Economic Commu-

[44] Quoted in Robert E. Baldwin, *Nontariff Distortions of International Trade* (Washington, D.C.: Brookings Institution, 1970), 2.

[45] Melvyn B. Krauss, *The New Protectionism: The Welfare State and International Trade* (New York: New York University Press for the International Center for Economic Policy Studies, 1978), 36.

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nity, as did the estimated percentage of manufactured imports subject to the most visible nontariff obstructions such as quotas.[46] But the trade deficit worsened anyway, so other obstacles became the focus of attention, most notably the procurement regulations for telecommunications products and the inspection and licensing standards for medical equipment and pharmaceuticals. Tokyo's announcement in spring 1985 that it intended to eliminate technical stumbling blocks in these areas hardly quelled charges that trade with Japan would remain "a one-way street." Within a few months a new squabble erupted, this time involving complaints about a closed Japanese market in semiconductors and microchip dumping.

The semiconductor crisis is indicative of the direction in which trade frictions with Japan are headed. Drawn into the picture are concerns that range far beyond any obvious barriers behind which the Japanese protect their infant industries, particularly those trying to develop new technologies to world standards. At issue as well are the Ministry of International Trade and Industry's industrial strategies and the combines of banks, businesses, and government that select products for promotion, allocate tasks among firms, set research agendas, and bolster large, integrated companies capable of sustaining low-cost penetration of foreign markets. And at issue, ultimately, are Japanese tax, pension, and financial policies that encourage savings rather than borrowing, reducing the cost of capital for investment.[47] At stake, in other words, are basic differences in industrial organization, public-private partnership, and the structure of capital markets.

The sheer breadth of the system by which Japan is perceived to be seizing a trade advantage and the fact that much of it is institutional, even cultural, hence non-negotiable, means that what concessions the Japanese offer will seldom seem satisfactory. Even if the door for American firms were flung wide open, the Japanese trade surplus with the United States would remain large, and it would continue to be called unfair. Indeed, the worst disappointments may lie ahead after more layers of formal protection are peeled away. Telecommunications equipment manufacturers, for instance, are unlikely to be satisfied with freer entry per se. Even unlimited access to the Japanese market will not guarantee *sales*—certainly not on a scale that would restore balanced trade in electronics products, if for no other reason than that potential demand for telecommunications equipment in Japan will remain a small fraction of the anticipated U.S. market.[48] "We want

[46] *New York Times*, 4 April 1985.

[47] See, generally, John Diebold, "The Information Technology Industries: A Case Study of High Technology Trade," in Cline, *Trade Policy in the 1980s*, chap. 2; and Michael Borrus, James E. Millstein, and John Zysman, "Trade and Development in the Semiconductor Industry: Japanese Challenge and American Response," in John Zysman and Laura Tyson, eds., *American Industry in International Competition: Government Policies and Corporate Strategies* (Ithaca, N. Y.: Cornell University Press, 1983), chap. 4.

[48] According to Department of Commerce estimates, the total Japanese market for telecommunications equipment was only $4.6 billion in 1984. *New York Times*, 7 April 1985. Thus, even under utopian circumstances—if American companies captured *all* of that market—the Japanese would retain a commanding lead in electronics-products trade (the bilateral deficit for these products favored Japan by $15.5 billion in 1984), and the overall trade balance with Japan (a deficit of $37 billion in 1984)

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to hear the cash register ring," a representative of the American Electronics Association warned, suggesting that the industry expected nothing less from the current trade talks with Tokyo: "If they give us all we want in these discussions and the numbers stay flat, I don't know what is going to happen."[49]

Frequently lost in the frenzy of Japan bashing is a realistic sense of the benefits, not just the costs, of the existing commercial relationship. In this respect the present disposition is faintly reminiscent of pre-1934 attitudes, when trade relations were regarded as "solely a domestic question in protection of our own people," in Herbert Hoover's words.[50] There seemed to be a poor understanding of what foreign countries would do with American dollars if their exports to the United States were allowed to expand.[51] Thus, the good news that Japan recycles most of the money we spend on its goods, thereby financing the federal deficit and alleviating a domestic credit crunch, is commonly overlooked. Also buried in the blizzard of complaints about the unbalanced merchandise trade with Japan is the massive repatriation of capital resulting from some $20 billion of goods and services sold *in* Japan by subsidiaries of American companies and an additional $20 billion of petroleum sold through U.S. energy companies.[52] (Oil sales could be even bigger if Congress were to lift a bizarre ban on the export of Alaskan crude).[53] And lastly, often obscured amid the fury over lavish Japanese export credits is the simple fact that Japan has to tax its own economy to create such subsidies and that the underpriced goods thereby made available are a form of "reverse foreign aid," in Milton Friedman's phrase, benefiting the American economy through lower rates of inflation.[54]

In sum, the ideological contours of the public debate appear to be shifting. The policy premises that have sustained postwar progress toward freer trade are being challenged by resurgent ideals of reciprocity and fairness. These ideals are ambitious. In extremis, they appear to presuppose a much greater degree of cross-national uniformity along a broad spectrum of economic, social, and political institutions.

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would barely budge. American Electronics Association, *Update* 8 (April 1985), 8. The 1989 U.S. market for telecommunications equipment alone is projected to be about $40 billion. *National Journal*, 16 March 1985, 590.

[49] Ibid., 591.

[50] Cited in Pastor, "The Cry-and-Sigh Syndrome," 164.

[51] Robert L. Heilbroner, *The Economic Transformation of America* (New York: Harcourt Brace Jovanovich, 1977), 182.

[52] Yotaro Kobayashi, "Observations on Current U.S.-Japan Trade Issues," in Edward R. Fried, Philip H. Trezise, and Shigenobu Yoshida, eds., *The Future of U.S.-Japan Economic Relations* (Washington, D.C.: Brookings Institution, 1983), 54. Figures are for 1982.

[53] The prohibition on the export of Alaskan crude oil, dating back to the 1970s, was invoked on grounds of energy security. Actually, the restriction is designed to protect the U.S. maritime industry. Alaskan oil must be shipped to the lower 48 states or Hawaii. As a cargo moving between two American ports, it must be carried on American tankers, manned by American crews at a higher cost than if transported in foreign ships with lower-paid crews. *Washington Post*, 3 May 1985.

[54] Export credits, generally subsidized, cover approximately 42 percent of exports in Japan, but only 13 percent in the United States. Gary Clyde Hufbauer, "Subsidy Issues after the Tokyo Round," in Cline, *Trade Policy in the 1980s*, 332.

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As such, their pursuit is likely to prove increasingly vexatious. Each effort to level the terrain of foreign trade risks falling short of expectations. As new bumps and ruts are discovered, trade adversaries will accuse one another of recalcitrancy or of negotiating in bad faith. And amid the recriminations policy makers, in the name of equity, may regress to the norms described so strikingly by E. E. Schattschneider in his classic study of the 1930 tariff: admitting more domestic claimants into a widening circle of industries "entitled" to protection, while losing sight of the larger advantages of nonintervention.[55]

Conclusion

Protectionist currents, swirling since the early 1970s, have swelled in the 1980s. As was true of protectionism during some other periods of American history, the most recent wave has waxed through good economic times as well as bad. In fact, by any measure, pressures to restrain imports are more acute and widespread today with the economy in relatively good health than they were in the pit of the last recession. Although Congress has not yet gone so far as to rehabilitate the discredited statutory import barriers of earlier times, new forms of managed trade, more subtle and less tractable than the old tariffs, are proliferating here and elsewhere.

Some of the political dynamics associated with the present trend in trade policy have partial parallels in the past, while others are novel. Fiscal exigencies helped drive up tariffs during the last century, when customs collections were the main means of balancing the government's budget. Now, albeit indirectly, budgetary problems are again giving impetus to import controls. A high-valued currency, largely attributable to the political impasse on the federal deficit, is responsible for much of the extant trade imbalance and for the resulting protectionist reflexes. Structural deficits are feeding demands for import relief in another sense as well. By forcing lower expenditures for adjustment assistance programs, the budget crisis has gutted one of the few policy alternatives to direct trade constraints.

Groups pressing trade grievances these days appear to span a broader array of interests than was the case in previous postwar years. When defensive trade lobbies become increasingly multisectoral, engulfing even businesses that are supposed to be efficient and at the cutting edge of technology (such as computer chip manufacturers), the situation can begin to bear rough similarities to the era of Smoot-Hawley. Then, as now, the pursuit of protection swept into the fold an ever-growing assortment of industries, leaving countervailing coalitions shrunken and splintered.

Meanwhile, diminished regional and partisan rifts distinguish the new domestic

[55] Schattschneider, *Politics, Pressures and the Tariff*, 86, 88. Schattschneider had observed that "the political logic of protection leads to 'protection all around' . . . , for Congress has not discovered an objective ground on the basis of which it may deny protection to industries demanding it in the name of equality."

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politics of trade from the old. Second only to slavery, the tariff stood as the most divisive sectional issue preceding the Civil War. For about three-quarters of a century thereafter, the tariff also separated the political parties. Today trade debates largely defy geographic and party lines. This nonsectional, bipartisan pattern is double-edged: for most of the postwar period it had reflected a prevailing free trade consensus, but recently it has given signs of working the other way, leaving no distinct partisan bloc or large and cohesive regional faction to counter protectionist moves in Congress.

An institutional innovation credited with promoting much freer trade since the mid-1930s, the delegation of substantial trade decision-making power to the executive branch, is under stress. The intent of that delegation had been to lift trade decisions above domestic political crosswinds buffeting Capitol Hill. But in recent years the desired policy insulation seems to have worn thin. Congress has not repossessed its former dominant role in trade policy making. But executive leeway has narrowed amid organizational changes on Capitol Hill that have stimulated congressional incursions and a rising caseload at the International Trade Commission spilling into presidential politics. Recent administrations have had to sacrifice or substantially compromise their liberal trade preferences for the sake of defusing congressional agitation or fulfilling other political needs. So, whereas the web of import restraints was once spun by formal acts of Congress, today it is created by preemptive executive orders and agreements.

Perhaps the most telling development in contemporary trade politics rests in the political values fashioning current debate. American policy has traditionally afforded protection when the conduct of foreign traders was considered unfair. Earlier in the century biased conduct was construed very broadly; indeed, home industries were entitled to compensatory tariffs for *any* source of discrepancy between domestic and foreign costs of production. In the 1980s the scope of suspect trade practices is conceptually broad again. With tariff negotiations no longer topping the agenda, attention focuses on nontariff issues. Unfortunantely, the more one probes this twilight zone of government policies obliquely affecting international commerce, the more these issues turn up. To iron out all of them will be an impossibly tall order. Yet the current quest for a level playing field—that is, an expectation of comprehensive fairness in trade—seems to imply that we should not settle for less. An ethos that holds foreign trade to an overly exacting standard risks rendering trade relations even more exasperating than they already are; and as frustrations mount, so will protectionist impulses.

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The Sources of Presidential Power: John Adams and the Challenge to Executive Primacy

JEAN S. HOLDER

Americans have characteristically held ambivalent views toward power—particularly presidential power. In the decade that began in 1970 the pendulum moved full swing as critics of various stripes first deplored the "imperial presidency" of Richard Nixon and then rejected the leadership of Jimmy Carter who tried to strip the presidency of its regal trappings. The present-day ambivalence is, in part, a legacy from the Founding Fathers who resolved their own inner and interpersonal conflicts in regard to power by creating an executive office of minimal definition in the Constitution. These men who had fought to free themselves from what they perceived to be the threat of enslavement to royal tyranny were caught between their fear of creating a quasi-regal leader and their belief that strength in the executive was essential to effective, balanced government. In providing a merely skeletal description of the presidential role, the framers of the Constitution skirted their own dilemma but set the stage for a power struggle that would essentially begin with the second American presidency. As the idol of the entire nation, George Washington conducted a magisterial administration; his personal prestige and stature made his word fiat among contemporaries. John Adams enjoyed no such advantage and would, therefore, be the first president to test the viability of the executive office on its constitutional basis. Because Adams experienced a unique combination of obstacles to the exercise of extra-constitutional authority, his presidency provides an ideal test case for evaluating recent arguments concerning the sources of presidential power.

In his influential study, *Presidential Power: The Politics of Leadership*, Richard

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Neustadt set the stage for an ongoing debate, contending that the power of the presidency lies in the power to persuade: formal powers are no guarantee of actual power, but translate into command only under unusual circumstances. The chief executive is a negotiator who enjoys specific advantages in terms of his constitutional power and status, but success in office depends largely upon the president's ability to convince others in authority that their own interests will be advanced by support of presidential policy. Neustadt draws analogies to the president's relations with leaders of foreign nations in which "power is persuasion and persuasion becomes bargaining." Although he uses the term "persuasion" in its broadest sense to include the tools for bargaining that are inherent in the executive office, Neustadt emphasizes that "the probabilities of power do not derive from the literary theory of the Constitution."[1]

In a more recent and detailed study, Richard M. Pious argues the opposite view, contending that constitutional power is indeed the foundation of the president's authority and ability to command. Pious emphasizes the developmental nature of the executive office: the ambiguous language of the Constitution predetermined the evolutionary character of the American presidency. The Constitution confers neither the title nor the plenary authority of "chief executive" but states that "the Executive Power shall be vested in a President of the United States," phrasing that allows for a wide variety of interpretations. The key to the developing presidency is the president's initiative in the exercise of constitutional power and implied prerogatives; the president's unilateral assertion of power provokes a response that shapes the office. A successful initiative that benefits the country and is approved by the public as well as Congress and the courts strengthens the office, creating what Pious terms a "frontlash" effect. A president can implement initiatives successfully and yet weaken the office if the policies provoke an extremely adverse reaction, a "backlash" effect. When a president is checked in his efforts to exert executive initiatives, then the authority of the office is diminished. By this process of recurrent effort presidents have expanded or contracted their executive influence and the power of the office as well.[2]

Pious acknowledges that political factors such as election mandates, mobilization of public opinion, and party lineups in Congress have a marginal effect but contends that they do not determine what a leader can accomplish in office: "The fundamental and irreducible core of presidential power rests not on influence, persuasion, public opinion, elections or party, but rather on the successful assertion of constitutional authority to resolve crises and domestic issues."[3]

Although recent studies tend to focus on the modern presidency, the ideal case study for an analysis of the sources of presidential power appears in the period of the early republic, the administration of John Adams from 1797 to 1801. The

[1] Richard Neustadt, *Presidential Power: The Politics of Leadership* (New York: John Wiley, 1961), 78–87, 32–37, 114.

[2] Richard M. Pious, *The American Presidency* (New York: Basic Books, 1979), 38–50, 213.

[3] Ibid., 10.

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Adams presidency was distinctive in a number of respects, not the least of which was the second president's position as successor to George Washington. No other chief executive would succeed a leader of Washington's stature or have a former president serve as commanding general of the army. Adams was handicapped in having received no endorsement from his illustrious predecessor; Washington's favor and reflected glory fell upon Adams's intraparty adversary, Alexander Hamilton.[4] Adams was further handicapped politically in having been elected by a narrow margin, opposed in the election by a small but powerful faction of Federalists led by Hamilton, who saw Adams as a threat to his control of party policy. Hamilton's supporters dominated the Senate and played an influential role in the evenly divided House of Representatives. Vice-President Thomas Jefferson served as the able leader of the Republican opposition, putting Adams in a position of crossfire between opponents in government.

Public expectation that he would honor George Washington's political appointments served as a double handicap to Adams, depriving him of even the minimal degree of patronage that other early presidents enjoyed as well as burdening him with a holdover cabinet whose three principal members worked actively to defeat the presidential policies and to advance the interests of Hamilton, whom they regarded as the oracle of political wisdom as well as their personal mentor. Until mid-1798 Adams's working cabinet consisted of only three men. The attorney general was considered merely an adviser to the government and was expected to continue the private practice of law. This was particularly unfortunate for Adams because Attorney General Charles Lee was the only supporter of the President in the cabinet until Benjamin Stoddert became the first secretary of the navy in 1798.[5] Adams experienced a unique handicap in office in that he had a major resistance movement in his own cabinet.[6] Replacing Washington's appointees in order to distribute the political plums of patronage would have been unthinkable in the public view. When opportunities for making new appointments occurred, Adams was limited in his options by the need for approval from Hamilton's clique of supporters in the Senate.

Having neither cabinet members nor party leaders who would attempt to advance his interests in Congress, Adams was forced to rely upon the formal, constitutionally prescribed means of speeches, written recommendations, and messages. He accepted his isolated position and tolerated what would today be considered overbearing opposition from cabinet members because he shared to some extent the antipower outlook, the abhorrence of executive despotism that had become characteristic of the American political climate as a result of British

[4] For a discussion of Hamilton's role, see James MacGregor Burns, *Presidential Government, the Crucible of Leadership* (Boston: Houghton Mifflin, 1966), 17, 371n. See also James Thomas Flexner, *George Washington: Anguish and Farewell, 1793–1799* (Boston: Little, Brown, 1972), 337–39.

[5] George Gibbs, ed., *Memoirs of the Administration of Washington and John Adams, Edited from the Papers of Oliver Wolcott, Secretary of the Treasury*, 2 vols. (New York: n.p., 1856), 2:313–16.

[6] Pious, *American Presidency*, 211.

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rule. A particular holdover fear from the colonial experience was apprehension of executive encroachment upon the legislature. Had Adams attempted to approach Congress in any direct, extra-constitutional way, he would have met with fierce resistance and hostility.[7]

Adams confronted a Congress that had polarized along lines of foreign orientation in the debates over the Jay Treaty, a document that brought into focus two irreconcilable views of the fundamental bases of American foreign policy. The Federalist followers of Alexander Hamilton believed that America's economic and commercial well-being depended upon trade with Britain and upon credit received from that country. Federalists tended to regard the British naval depredations on American commerce as an aberration, a necessity of their war of survival with France, and were willing to make substantial concessions to maintain peace with Britain. Republican followers of James Madison and Thomas Jefferson believed that America should counterbalance British power and dominance, increasing trade with France and other European countries and diminishing the British connection. The Republican leaders had tried repeatedly, without success, to secure legislation that would penalize Britain for its refusal to grant the United States a commercial treaty. The Jay Treaty, in relinquishing for twelve years the right of the United States to retaliate against British commercial policy and in appearing to accept British definition of neutral rights and freedom of the seas, committed the United States to Federalist foreign policy, placed France in a disadvantaged position in trade relationships, and outraged Republicans. Republican resentment was revived full force when France retaliated with naval war in 1797.[8]

Because Adams restored balance to foreign policy with conciliatory approaches to France and ultimately achieved a diplomatic settlement that minimized damage to Franco-American relations resulting from the British treaty, Jay's document appears more acceptable today than it did to Republican contemporaries. Indeed, few Federalists of the day defended the treaty except on the grounds that it prevented war with Britain or, at the least, forestalled a punitive commercial policy and further depredations, an argument that historians continue to advance.[9] The Jay Treaty set the framework for the intense party battle that would dominate the Adams years.

The Jay Treaty provided a pretext, if not a reason, for France to launch naval war on the United States as Adams began his administration. The French government's decree of 2 March 1797, an apparent response to the news of Adams's election, confirmed and extended a policy of naval aggression that had begun in the

[7] For a discussion of Jefferson's approach to Congress, see Robert M. Johnstone, *Jefferson and the Presidency: Leadership in the Young Republic* (Ithaca: Cornell University Press, 1978), 24–26. For a discussion of the anti-power attitude that prevailed, see James Sterling Young, *The Washington Community, 1800–1828* (New York: Columbia University Press, 1966), 59–64.

[8] Republicans believed that Federalists were deliberately provoking a quarrel with Britain's enemies. James Madison to Thomas Jefferson, 5 May 1798, James Madison, *Letters and Other Writings*, 4 vols. (Washington, D.C.: Congress, 1865), 2:134–40.

[9] The most complete recent discussion of the Jay Treaty is found in Jerald A. Combs, *The Jay Treaty: Political Battleground of the Founding Fathers* (Berkeley: University of California Press, 1970).

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last months of Washington's administration.[10] The new policy would present Adams with a dual challenge, that of reconciling differences with France and resolving a conflict between political parties that would soon reach crisis proportions.

The combination of foreign and domestic crisis might have taxed Washington's successor to the utmost, but John Adams would face a third challenge in his relationship with the former president. Because the luster of George Washington has dimmed a bit over the years, it is difficult today to recapture the image of the "godlike" first president or to understand the influence that he wielded in his time. While other presidents have had cults and constituencies of admirers, George Washington's cult was the nation; and he carried his great prestige and influence into retirement with him. Republican leaders had rejoiced at his retirement, declaring that they were helpless in the face of his popularity.[11] When Washington returned to public life as commanding general of the army and demanded that President Adams's adversary, Alexander Hamilton, be awarded the second military position that would carry with it the actual command of the army, Adams was confronted with a major challenge to the exercise of his constitutional power.

When Adams took office in 1797, the citizenry of the new republic had looked to the transition with foreboding, questioning the ability of any successor to maintain public confidence and command of the office as Washington had done. Concern that the transition would be traumatic proved unfounded, but the stage was set, nevertheless, for a test of the viability of the office. Adams would face a turbulent four years with the starkest of political assets. What could a president accomplish without the support of party leaders or cabinet members, without patronage to dispense or an election mandate to provide a psychological advantage? Within this framework of imposing restrictions Adams began his administration.

Adams faced three immediate and interrelated challenges as president: finding a diplomatic solution to the French crisis; preparing the defenseless nation for war in the event that diplomacy failed; finding a middle ground in policy that would ease the polarization between Federalists and Republicans. He would eventually meet the three challenges, although not without frustration and defeat along the way.

Adams began his administration with action for which his constitutional authority was clear: he called a special session of Congress and addressed that body. The first message created a wave of enthusiasm for presidential policy among Federalists and elicited minimal grumbling from Republicans. Convinced that the country's most effective line of defense was the navy, Adams asked for immediate expansion of the nation's embryonic naval force. For the army he requested a minimal increase along with authority for further expansion if needed.[12] In his plans

[10] See William Stinchcombe et al, eds., *The Papers of John Marshall*, vol. 3 (Chapel Hill: University of North Carolina Press, 1979), 73–75, for a discussion of French naval policy in 1796–97.

[11] Thomas Jefferson to Aaron Burr, 17 June 1797, Thomas Jefferson Papers, Reel 21.

[12] Address to Congress, 16 May 1797, *Annals of Congress*, Fifth Congress, 2:54–59. Adams maintained throughout his life that the navy was "the most powerful, the safest, and the cheapest national defense for the country." To Thomas Jefferson, 13 October 1822, Adams Family Papers, Reel 119.

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for defense Adams confronted a major challenge from Hamilton, who was already pressuring his supporters in Congress for a large increase in the army, a force that he expected to command and for which he had great ambitions. Hamilton made no secret of his desire to acquire the Floridas and Louisiana.[13]

Adams moved to check Hamilton's ambitions by appointing George Washington commanding general of the army, a move that backfired when Washington accepted the command on condition that he would not take the field until it should become "indispensable by the urgency of circumstances."[14] Adams would have had difficulty rejecting Washington's conditional acceptance in any event; but he accepted with alacrity, confident that he held the constitutional authority to name the commander in the field. Although Washington acknowledged after accepting command that Adams as president held the power to make field appointments, he soon succumbed to pressure from Adams's cabinet members to throw his great weight behind the appointment of Hamilton, threatening to resign should Adams refuse to comply.[15] Adams yielded of necessity, temporarily surrendering a power that was clearly his; but the defeat had not disarmed him. He was still commander-in-chief of the military and in charge of the nation's diplomacy.

Adams had begun his administration with a plan to conciliate Republicans and achieve rapprochement with France by sending a bipartisan mission to Paris to negotiate differences with the nation's former ally. He particularly wanted James Madison to serve; Madison was in good favor with the French government and also would provide reassurance to Republicans that their views were represented. Adams's cabinet members presented a wall of opposition to the appointment. Speaking for Secretary of State Timothy Pickering and Secretary of War James McHenry as well as himself, Treasury Secretary Oliver Wolcott, Jr. told Adams that the three would resign if Madison were appointed.[16] A brief flurry of confusion occurred as the secretaries channeled Adams's directives to Hamilton and received instructions from him in New York. The secretaries were astonished to learn that their mentor approved both the mission and the appointment of Madison. Hamilton warned that the measure should be adopted to allay public suspicions that the Hamiltonian clique wanted war: "I ought to apprize you . . . that a suspicion begins to dawn among the friends of the Government that the *actual* Ad-

[13] Hamilton outlined his plans for congressional action on defense to his spokesman, William L. Smith, 10 April 1798. Alexander Hamilton, *Papers of Alexander Hamilton*, Harold C. Syrett, ed., 26 vols. (New York: Columbia University Press, 1961–77), 21:29–41. Hamilton to Timothy Pickering, 17 March 1798, ibid., 364–67. Directions for a tax program to support the defense effort went to Oliver Wolcott, 6 June 1797, ibid., 543–47. Smith and Wolcott presented Hamilton's program to Congress as directed. Hamilton stated openly his opinion that the United States should acquire the Floridas and Louisiana. Hamilton to Harrison Gray Otis, 26 January 1799, Hamilton, *Papers*, 22:440–41.

[14] George Washington to John Adams, 4 July 1798, Adams Family Papers, Reel 390.

[15] Washington to Adams, 25 September 1798, George Washington, *The Writings of George Washington*, John C. Fitzpatrick, ed., 39 vols. (Washington, D.C.: U.S. Government Printing Office, 1931–44), 36:458–62.

[16] Adams to the Boston *Patriot*, 7 June 1809.

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ministration is not much averse from war with France. How very important to obviate this."[17]

Unaware of Hamilton's views, Adams deferred to his secretaries' wishes on Madison's appointment, believing that party spirit made a bipartisan mission impossible and also fearing that Hamilton's supporters in the Senate would reject the nomination, further inflaming animosities between Republicans and Federalists. In succumbing to his cabinet members' proscription of the Madison appointment, a response that had the aura of political blackmail, Adams smoothed the way for the mission's progress; but in doing so, he may have committed the greatest mistake of his political career. For more than three years the secretaries connived to reduce Adams's presidential status to that of a figurehead and to make Hamilton's leadership the "actual administration."

Adams's willingness to defer to his department heads at the beginning of his administration was not evidence of weakness on his part but represented a reasonable effort to extend his resources for leadership. Had he been successful in securing the support of the Hamiltonian Federalists, he might have unified the party and established liaison with Congress, as Jefferson did after him. Midway in his administration when Adams realized that his cabinet members presented a threat to his command of the presidential office, he concluded that the heads of departments should function only as aides, to be consulted at the president's pleasure. From that time forward the Adams presidency assumed a new character.

Adams had determined from the beginning of his administration that the nation's interest lay with a negotiated settlement of differences with France and would have pursued such a course had he not seen a threat to his command of the presidential office. With Hamilton in charge of the army, the President had further reason to repair the relationship with France and to proceed with all possible speed. The first attempt at rapprochement, the famous "XYZ affair," presents one of the most colorful episodes in American diplomatic history and has received attention beyond its importance. Adams's first mission to France was predestined to failure because of timing. In September of 1797 a triumvirate within the French Directory had succeeded in crushing the moderates in government who might have been receptive to American overtures. Although France's celebrated foreign minister, Charles Maurice de Talleyrand-Perigord, had come to office in July 1797 and was directing American policy, he had not established the position of power he would later command. Talleyrand's attempt to elicit a bribe from the American diplomats represented a commonplace practice at the time and fit in well with his strategy of delaying a settlement of the quasi-war. The undeclared naval war was presenting optimum advantage to France at the moment and providing an additional advantage to the foreign minister in opportunities for extorting bribes. While French corsairs and privateers happily plundered America's neutral shipping, Talleyrand and his associates seized the opportunity afforded for personal

[17] Hamilton to Wolcott, 30 March 1797, Hamilton, *Papers*, 20:556–57.

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gain. A delay in negotiations also served Talleyrand's purposes in minimizing conflict with the anti-American Directory.[18]

Publication of the American ministers' dispatches in April 1798, describing the details of the mission, brought a great wave of nationalism and anti-French sentiment that sent Republicans into temporary eclipse. Talleyrand had apparently not anticipated the sensational reaction and quickly began an about-face in diplomacy. Privately, he made known his desire for peace.[19]

Although Talleyrand continued to demonstrate the seriousness of his intent to negotiate by ordering a cessation of depredations on American shipping, the crisis was by no means over. News of the order was long in reaching the United States; its sincerity was questioned, and official control of the privateers was limited. Marauding of American shipping continued although on a much lower scale.[20] Meanwhile, a cycle of reaction and counterreaction set in, shattering domestic unity. Federalists remained skeptical of Talleyrand's overtures, while Republicans became increasingly convinced that Anglophile American policy was responsible for the French crisis.

With President Adams's cabinet standing ready and willing to do his bidding, Hamilton set out to direct both foreign and domestic responses to the French threat. The ease with which he began the effort is apparent in letters exchanged with Secretary of War James McHenry, who began his service to Adams by forwarding confidential executive documents directly to Hamilton for advice, asking that the arrangement continue in absolute secrecy.[21] The department heads plied Hamilton with privileged information concerning every aspect of executive function, sometimes relaying Hamilton's responses with his original language intact. George Washington became a silent partner to the arrangement; he neither criticized nor supported Adams but encouraged the flow of information which formed a triangle of communication with Hamilton at the apex funneling unabashed directives to the secretaries at the seat of government and more discreetly worded counsel to Mt. Vernon. Washington played a passive but important role in the intrigue against Adams, lending tacit consent to Hamilton's continual attempts to dominate executive policy.[22]

Unaware at first of his colleagues' disloyalty, Adams set out to unify the country and win bipartisan support for the administration by appointing influential Republicans to important military positions. George Washington and Alexander Hamilton, supported by their clique of admirers in the Senate, defeated Adams's

[18] For a recent discussion of the French mission see William Stinchcombe, *The XYZ Affair* (Westport, Conn.: Greenwood Press, 1960); George Athan Billias, *Elbridge Gerry: Founding Father and Republican Statesman* (New York: McGraw Hill, 1976). See also Marshall, *The Papers of John Marshall*, vol. 3.

[19] Billias, *Elbridge Gerry*, 282; Stinchcombe, *The XYZ Affair*, 125–26.

[20] Ibid., 113.

[21] 14 April 1797, Hamilton, *Papers*, 21:41. Ibid., May 1797, 85. Ibid., 26 January 1798, 22:339.

[22] For the Washington-Hamilton correspondence see Fitzpatrick, ed., *The Writings of George Washington*, vol. 33; Hamilton, *Papers*, vols. 19–23.

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strategy, withholding approval of even the most moderate and well-qualified Republican leaders. Washington had fallen victim to paranoid suspicions of Republican adversaries, expressing his belief as early as January 1797 that Republican leaders were dangerous and a threat to security. Although Hamilton would have consented to a few Republican nominees, particularly for inferior grades, Washington was determined that commissioned officers would be men of the Federalist persuasion.[23]

Dismayed by his defeat on army appointments and convinced that the nation's security lay with the navy, Adams demonstrated the negative power of the executive office by delaying formation of the army until the need for force had passed, defeating Hamilton's ambitions to use military command as a means of personal and national aggrandizement. Although Congress provided the President with extensive and detailed legislation for organizing new units of military force in the period May-July 1798, and renewed expiring legislation in March 1799, no new army was raised. In the interval between the passage of the army bills and the reconvening of Congress in December 1798, Adams made no effort to recruit for the provisional army. When legislation for the provisional army expired, Congress renewed the bill. Adams submitted no nominations for officers in the period of the new law. Sensing quite correctly that Adams was purposely delaying formation of the army, Washington attempted to pressure the executive department into action.[24]

In February 1799 Hamilton informed Washington that "obstacles of a very peculiar kind stand in the way of an efficient and successful management of our military concerns." Hamilton indicated that it "would be unsafe at present" to explain the situation and suggested corresponding in code about matters relating to the administration. Washington sanctioned the arrangement, asking Hamilton to reply "with the utmost unreservedness.[25]

The attempt to undermine Adams's authority in this critical period posed a threat to the functional stability of the executive office, a fact of which Adams was very much aware. A decade after the French crisis, Adams wrote at length of his concern for the independence of the executive office. He feared that a president might have difficulty resisting the power of his commanding general in time of war. A commanding general is apt to be more popular than the president, he noted, and with thousands under his command could pose a threat to the independence of

[23] Washington to David Stuart, 8 January 1797, George Washington Papers, Reel 9; to Charles Cotesworth Pinckney, 4 December 1797, Fitzpatrick, ed., *Writings of George Washington*, 36:89–91; to Dr. James Anderson, 25 July 1798, ibid., 364–65; to William Heth, 5 August 1798, ibid., 388–89; to Brigadier General William Davie, 24 October 1798, ibid., 515–16.

[24] Hamilton, *Papers*, 22:383–88 contains a convenient synopsis of army legislation. George Washington attempted to pressure Adams through McHenry. Washington to McHenry, 13 December 1798, Fitzpatrick, ed., *Writings of George Washington*, 37:35.

[25] Hamilton, *Papers*, 22:483–84. Washington to Hamilton, 25 February 1799, ibid., 507–8. The coded correspondence does not appear in Washington's papers.

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the chief executive. Adams wrote from bitter experience; his own struggle for independence had been a difficult one.[26]

Jefferson had declared in 1790 that if the presidency could be preserved for a few years until habits of authority were established, the nation had nothing to fear, a statement that suggests the attitude of insecurity that prevailed in the early period of the new national government.[27] Adams's success in maintaining command of the office was crucial at this juncture, demonstrating that a lesser chief executive than Washington could resist a formidable combination of adversaries supported by the first president himself. The struggle over the army was a unique situation that has not been repeated in American history. Adams demonstrated that the president as commander-in-chief, acting on the basis of his constitutional power, can indeed command.

Adams brought to the presidency the skills and perceptions gained from a decade of experience representing the new American republic in the courts of Europe. His talents for diplomacy and experience as a diplomat would serve him well as president for it was in the conduct of foreign relations that he found his last, bittersweet success as president. Isolated from party leaders, betrayed by his cabinet, undermined by the lack of support from George Washington, Adams was yet able to use his constitutional power as chief of foreign relations to reassert command and bring his administration to a successful conclusion.

In resisting the attempts at encroachment on his executive powers, Adams had shown resourcefulness and fortitude; but his strategy had been that of delay and holding. Real triumph would come with resolution of the French crisis. From a variety of sources Adams had been receiving indirect word that the French government wanted to resume a peaceful relationship with the United States.[28] The immediate impetus for initiating a new negotiation came in the form of a letter from George Washington, a message about which there has been much misunderstanding. Washington enclosed a letter that he had received from expatriate Joel Barlow, now residing in Paris, declaring that the French Directory was anxious to avoid formal war with the United States, was willing to retract its former demands and to assure the United States that all illegal restraints of American ships would cease. Washington assured Adams that he would reply to Barlow "with pleasure and

[26] Comments on the Hillhouse Amendment to the Constitution (1808), Adams Family Papers, Reel 406.

[27] Quoted in Morton Borden, *Parties and Politics in the Early Republic, 1789–1815* (New York: Thomas Crowell, 1967), 9.

[28] In the summer of 1798 John Quincy Adams had written from his post in Berlin that France gave every indication of wanting to settle differences with the United States. 29 July 1798, Adams Family Papers, Reel 391. William Vans Murray reported from The Hague that Talleyrand had been "deeply alarmed" at the American reaction to the XYZ mission and wished to reopen the door to negotiation. Talleyrand appointed as a representative to the French legation at The Hague a former acquaintance of Murray's, Louis Andre Pichon, who acknowleldged to the American minister that he had been sent to effect reconciliation; the French intermediary bore what appeared to be genuine peace offers. For a discussion of Murray's role, see Peter Hill, *William Vans Murray, Federalist Diplomat: The Shaping of Peace with France 1797–1801* (New York: Macmillan, 1972), chaps. 9 and 10.

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alacrity" if Adams wished that he do so and thought that such an approach might restore peace, "which I am persuaded is the desire of all the friends of the rising empire."[29]

Adams declined Washington's offer to act as an intermediary on the grounds that Barlow was not a suitable person to act as an American agent. One can surmise that the more important reason for the refusal of Washington's offer was that Adams wished to retain control of the negotiation and to avoid enlarging the role of his commanding general, whose influence was of overwhelming proportions already. Under the umbrella of Washington's prestige, Adams could have begun a new negotiation with assurance of party support, but the price was too great. Adams would not court popularity at the expense of executive independence.

The Barlow letter and Washington's offer to act as an intermediary have led many historians to assume that Adams enjoyed the first president's support in the new diplomatic initiative that he announced on 18 February 1799, nominating William Vans Murray as minister plenipotentiary to France. Such was not the case. After the initial effort encouraging Adams to respond to French overtures, Washington remained aloof. Adams felt that it would be a violation of confidence to make the correspondence public, and Washington chose to conceal his role in the proceedings, criticizing the timing and procedure of Adams's move in language that suggested disapproval of the mission itself. "I was surprised at the measure, how much more at the manner of it," he informed Hamilton.[30] To Pickering he voiced stronger criticism, declaring that Adams should have waited for unequivocal proof. Washington encouraged opposition to Adams in cabinet and party, revealing to no one the information in the Barlow letter or the credence he had placed in it.[31]

Adams's opponents needed no encouragement to begin their efforts to thwart the President's plan for a new negotiation with France. A Senate committee of Hamiltonian supporters met with Adams privately, warning that they would reject the Murray appointment unless the President withdrew the nomination voluntarily.[32] Adams withdrew the nomination but named a commission of three, including Murray, in its place. Adams had sent the original nomination to the Senate without consulting cabinet members or party leaders, a move that astonished the nation. It was "the event of events" in Jefferson's view.[33] Adams moved quickly,

[29] George Washington to John Adams, 1 February 1799, Fitzpatrick, ed., Washington, *Writings*, 37:119–20. The Barlow letter of 2 October 1798, appears in the letter to the Boston *Patriot* of 15 April 1809, and also in the Adams Family Papers, Reel 393.

[30] 27 October 1799, Syrett, ed., Hamilton, *Papers*, 23:573–74.

[31] 3 March 1799, Fitzpatrick, ed., *Writings of George Washington*, 37:141–43.

[32] Theodore Sedgwick to Alexander Hamilton, 25 February 1799, Hamilton, *Papers*, 22:503. Sedgwick to Rutherford, 1 March 1799, Adams Family Papers, Reel 393. Adams's account of the meeting appears in a letter to the Boston *Patriot*, John Adams, *The Works of John Adams, Second President of the United States*, Charles Francis Adams, ed., 10 vols. (Boston: Charles C. Little and James Brown, 1850–56), 9:250–51.

[33] To James Madison, 19 February 1799, Thomas Jefferson, *The Works of Thomas Jefferson*, Paul L. Ford, ed., 12 vols. (New York: G. P. Putnam's Sons, 1904), 7:361–63. "We have all been shocked

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he explained in later years, because his intraparty opponents were trying to dominate executive policy and defeat his aims. The committee from the Senate, in its effort to use that body's veto over executive appointments to check a major presidential initiative in foreign policy, was attempting to alter the constitutionally established balance of power, Adams believed. Adams's suspicions were not paranoid; a member of the committee acknowledged to Hamilton that the Senate committee was violating principle in approaching Adams privately on the nomination.[34] Adams moved precipitously because the stakes were high. The Hamiltonians were challenging the President's constitutional authority and personal leadership, forcing Adams to move boldly to maintain the power and primacy of the office.

Adams's decision to send a second mission to France outmaneuvered his intraparty opponents. As Talleyrand continued to furnish evidence of the new, conciliatory French policy, the Hamiltonian Federalists were checked and became increasingly isolated from the political mainstream. In reporting to Hamilton on the Murray nomination, Congressman Theodore Sedgwick had admitted that while he opposed the move, "that is not the inclination of the majority." Pressuring Adams to expand the mission and appoint a commission was "everything which, under the circumstances, could be done."[35] The most extreme High Federalists acknowledged that they could not effectively oppose the president's decision.[36]

The nomination of a new mission to France left the Hamiltonians without a weapon except the hope of a delay of the mission. Having secured Senate approval of the mission, Adams was content to wait for further assurances from France and to improve the American negotiating position by proceeding with defense measures. Construction of the new fleet was well underway with three naval squadrons nearing completion. With the new attempt at negotiations Adams was in command again, hoping for a peaceful resolution of the crisis but prepared for any outcome.[37]

Pickering dissassociated himself from Adams's diplomacy and renewed a campaign that he had begun earlier, writing a succession of letters to friends and acquaintances deriding Adams. The Secretary of State began to speak openly against the President, but his attacks proved to be counterproductive, alienating the moderate Hamiltonians who saw the potential for destruction in party schism. Harrison Gray Otis, formerly one of Hamilton's most enthusiastic supporters,

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and grieved at the nomination," Pickering informed Hamilton, 25 February 1799. Hamilton, *Papers*, 22:500. George Cabot declared that "Surprise, indignation, grief and disgust followed each other in quick succession." To Rufus King, 10 March 1799, Rufus King, *The Life and Correspondence of Rufus King*, Charles R. King, ed., 6 vols. (New York: G. P. Putnam's Sons, 1894–1900), 2:551.

[34] Theodore Sedgwick to Alexander Hamilton, 25 February 1799, Hamilton, *Papers*, 22:399–400.

[35] Sedgwick to Hamilton, 25 February 1799, ibid., 22:503.

[36] Fisher Ames to Timothy Dwight, 27 February 1799, Fisher Ames, *Works of Fisher Ames*, Seth Ames, ed. (New York: Burt Franklin, 1971), 252; George Cabot to Timothy Pickering, 7 March 1797, Henry Cabot Lodge, ed., *The Life and Letters of George Cabot* (Boston: Little, Brown, 1877), 224.

[37] Peter B. Hill, *William Vans Murray*, 147; Lawrence Kaplan, *Colonies Into Nation: American Diplomacy 1763–1801* (New York: Macmillan, 1972), 289.

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deserted the clique and supported Adams.[38] Rufus King and John Jay, members of Hamilton's most intimate circle, expressed reservations about the mission but supported the President.[39] John Marshall, the rising star of Federalism, threw his weight behind Adams and the moderates.[40] The extremist clique declined in numbers if not in virulence.

France's conciliatory gestures and the growing prospect of peace increased Adams's popularity and weakened the Hamiltonians further. Federalist Samuel Dexter warned extremists in the party that they could not oppose Adams because he was popular and "deemed the best qualified to perform the duties of President."[41] Dexter's warning did not deter the Hamiltonians who proceeded to consider two unlikely plans for displacing Adams: a third term for George Washington; an attempt to manipulate vice-presidential candidate Charles Cotesworth Pinckney into the first position. George Washington adamantly refused to run for a third term, declaring that party lines had hardened to the point that he could not get a single vote more than other Federalist candidates. Washington reproached the plotters for the division within the party, seemingly unaware that he had encouraged the schism by withholding support of President Adams's decision on the second mission.[42]

Frustrated that they could no longer control the party or influence executive policy, a small clique of Hamilton's supporters continued to play the spoiler role. They chose schism and the likelihood of defeat rather than accept a position within the party that involved compromise. Long delays in the completion of the French negotiation and communicating news of its success to the United States weakened Adams's position in the critical period in which electors were chosen. Hamilton seized the opportunity to make a last, desperate attempt to undermine Adams and establish the ascendancy of his own wing of the party, destroying himself and his rival in the process. In the end he acted alone—against the advice of the Federalists who remained most loyal to him. His decision appears to have been one of desperation.

The year that launched a new century began on a melancholy note as news spread of the sudden death of George Washington. Since his youth Hamilton had based his career on Washington's prestige and influence; he candidly acknowledged the

[38] Samuel Eliot Morison, *Harrison Gray Otis, The Urbane Federalist, 1765–1848* (Boston: Houghton Mifflin, 1969), 162.

[39] John Jay to Theophilus Parson, 1 July 1800, John Jay, *The Correspondence and Public Papers of John Jay, 1794–1826*, Henry P. Johnston, ed., 4 vols. (New York: G. P. Putnam's Sons, 1890–1893), 4:274–75.

[40] On 14 March 1799, Charles Lee wrote to Adams: "I presume it will afford you satisfaction to know that a measure which has excited so much agitation here has met the approbation of so good a judge as Mr. Marshall." Adams Family Papers, Reel 394.

[41] Theodore Sedgwick to Alexander Hamilton, 7 May 1800, Hamilton, *Papers*, 24:467–68.

[42] George Washington to Jonathan Trumbull, 21 July 1799, Fitzpatrick, ed., *Writings of George Washington*, 37:312–14.

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loss of the "essential aegis" of his destiny.[43] His position with the army was vanishing with the army itself, nor could he have expected under any circumstances that Adams would promote him to the first position, now vacant. Hamilton was newly incensed that Adams had in May 1800 dismissed two of the disloyal secretaries, Pickering and McHenry. The influence of the Hamiltonians was clearly ending.[44]

Hamilton began a tour of New England in June, ostensibly to conduct a final review of the army; the tour was, in fact, the first effort in a campaign to defeat Adams and make Charles Cotesworth Pinckney the president in 1800. Hamilton was open in attacking Adams as he spoke to groups in New England. He told New Hampshire Federalists that Adams was "a very unfit and incapable character. . . ."[45] In the summer Hamilton began to prepare his famous publication attacking the President. Hamilton's biographers do not attempt to provide a rationale for his actions in this period, concluding that he was simply a victim of passionate rage. Recent biographer Jacob Cooke agrees with earlier writers that Hamilton "lost his grip, his sense of reality" because he could not bear the loss of his public role and stature.[46] Hamilton may have been encouraged by a series of misfortunes that weakened Adams's position.

The envoys to France experienced long delays on their journey; proceedings were postponed further by Joseph Bonaparte's month-long illness, and once begun, negotiations proceeded slowly with frequent interruptions occasioned by the absence of Talleyrand. In the critical months of September and October 1800 rumors began to spread that the mission had failed. In August 1800 a ship brought a newspaper report that the mission had been suspended, an account that appeared authentic. Those who wished most for the mission to succeed found the report credible. Except for false rumors that the mission had terminated unsuccessfully, no news of the outcome reached the United States until after electors were chosen.[47]

In October, after at least three months of preparation, Hamilton began circulating his *Letter from Alexander Hamilton Concerning the Public Conduct and Character of John Adams*, at first restricting the distribution to Federalist leaders.[48] The material predictably fell into opposition hands, and after the Republican press began publishing excerpts, Hamilton took out a copyright and published the document—a

[43] To Tobias Lear, 2 January 1800, Hamilton, *Papers*, 24:155.

[44] By mid-1798 Adams had become aware that at least one cabinet member was betraying his confidence. Adams discusses his relationship with the cabinet in a lengthy document (unpublished) entitled "Draft of a Reply to Hamilton's Pamphlet," 1800–1801, Adams Family Papers, Reel 399. See also Adams to James Lloyd, 11, 14, 21 February 1815, Adams, *Works*, 10:116–20, 129–31.

[45] John C. Miller, *Alexander Hamilton, Portrait in Paradox* (New York: Harper, 1959), 518–19.

[46] Jacob E. Cooke, *Alexander Hamilton* (New York: Scribner's, 1982), 219–20. Cooke is quoting biographer Broadus Mitchell.

[47] For a complete account of the negotiations see Alexander DeConde, *The Quasi-War: The Politics and Diplomacy of the Undeclared War with France, 1797–1801* (New York: Scribner's, 1954), chap. VII; see also Hamilton, *Papers*, 25:128–30n.

[48] See Hamilton, *Papers*, 25:169–234 for a complete account of the pamphlet episode with commentary. See also, Miller, *Alexander Hamilton*, 520.

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compendium of trivia and hearsay, vaguely stated charges of incompetence, some material that was already well known, and some new allegations based on confidential information obviously furnished by one or more of Adams's cabinet members. The verbal missile proved to be a devastating boomerang, perhaps injuring Hamilton more than its intended victim. Hamilton's friends were "shocked and appalled."[49]

The damage to Adams appears to have been largely indirect, a result of party disarray and public loss of confidence in the Federalist party. While Hamilton attempted to reestablish his personal influence at the expense of party unity, the Republicans were moving smoothly and effectively to organize their forces and capitalize on Federalist disintegration. The Republicans were the ascendant party in 1800, pioneering a new and creative approach to political campaigning and party dynamics that would affect the functioning of the executive office itself when Republican leadership took over the government. Adams's near-victory in an election that brought a flood tide of Republican success demonstrated that he enjoyed impressive public support. Election year caught Adams and his moderate followers in a transitional stage of establishing their own leadership and displacing the Federalist old guard. The moderate new wing of Federalists had barely begun to organize their efforts when the election took place.

Because Adams failed to unite the Federalist party and win reelection, the significance of his contribution to the presidential office has been overlooked. The second president faced a unique challenge in the starkness of his political assets. Opposed by the leadership of his own party, elected by a narrow margin, bereft of patronage, and heir to a legacy of disloyal, obstructionist cabinet members, he nevertheless conducted a successful administration. After one term in office he left the nation at peace, the conflict with France resolved, a domestic crisis between political parties defused for the moment, the defense establishment strengthened by construction of a navy. Adams had dealt with the challenges of his war-crisis administration with few of the appurtenances of power that Neustadt describes as essential to command, making his presidency an ideal test case for the conflicting Pious-Neustadt theses. Although one cannot absolutely divide a president's constitutional powers from the political tools of bargaining and persuasion, Adams's achievements as president demonstrate that in the period of the early republic the executive office was viable on its constitutional basis in the hands of an able leader.

A president himself remains the crucial variable. Adams asserted his constitutional power and implied prerogatives aggressively but with perceptive restraint, pursuing a middle course that served to ameliorate the extreme polarization of political views. By taking a bold initiative in foreign policy on the basis of his constitutional power alone and achieving wide public acceptance of that policy, Adams

[49] Syrett concludes that the pamphlet ruined Hamilton's career, shattered the confidence of his closest supporters, and revealed that he had become an inept politician and a burden to the party. *Papers of Alexander Hamilton*, 25:170.

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achieved the frontlash effect that Pious describes, strengthening his own position and the presidential office thereby. He continued the precedent of forceful action in foreign affairs begun by George Washington and did so without the undergirdings of personal prestige and power that had facilitated policy making for his predecessor. He inherited a position that has been correctly described as "woefully weak" and left the office strengthened by his accomplishments.[50]

Critics who fault Adams for his inability to please either Republican or Federalist extremists are focusing on his failure to win reelection rather than upon his goals as president. Adams's purpose in policy formation was to find a workable middle ground congruent with the nation's interest as he perceived that interest: peace; internal security and tranquility; neutrality; complete independence of foreign powers. Measured in terms of the nation's welfare or his own goals as president, Adams was a successful chief executive. Although he failed to win reelection, popularity had never been his primary goal. Adams had earlier set a standard for leadership and is best judged by his own measure: "Tis better to serve than to please the People; and they in time will be sensible of it."[51]

[50] Johnstone, *Jefferson and the Presidency*, 24–26.

[51] To Abigail Adams, 17 February 1794, Adams Family Papers, Reel 377.

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Politics and The Refugee Experience

CHERYL BENARD

Refugees are by definition people who flee from their own state to another because of war, persecution, or personal danger. But this flight, which often makes them stateless—persons without documents, without a government, and without citizenship—moves them into the arena of political entanglements on a scale much larger than those they left behind. The term "refugees" calls up a host of associations regarding conditions we consider universal to this group of displaced people: camps, rations, tents, dependence on the charity of reluctant hosts, and the tedium of waiting for a more permanent solution. Beneath this superficial uniformity, however, the experience of being a refugee is governed by its own "foreign" and "domestic" politics, and we can almost conceive of the different refugee populations as a set of non-nations, governed by internal and external power relationships with their own rules and regularities.

Ranking the Dispossessed

Estimates regarding the total number of refugees in the world today vary widely; even the lowest figures cited still amount to a very significant number of people dislocated from the normal framework of nation-states. The prospects, living conditions, and forms of social organization of these people are very different from one situation to another, although their formal legal status may be the same and they are officially the charges of the same international agencies.

A first observation that can be made regarding the workings of politics on the conditions of refugee populations is that there is a tacit hierarchy ranking the groups

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and determining how much aid and attention they will receive from the international community. The ranking is determined by several factors.

The Policies of the Host Country

The host country controls all outsiders' access to the refugees and bears a significant portion of the burden of their support. Some countries do not encourage international, national, or private agencies to work with the refugees quartered in their countries. There can be various reasons for this. They may regard the refugees as members of a hostile population and want to keep them under closely restricted surveillance by their own security forces. The refugees may be in a militarily sensitive area, so that an influx of foreigners into the zone is not desirable. The country may deny the refugees official recognition of their status, and therefore also withhold them from the jurisdiction of the United Nations High Commissioner for Refugees (UNHCR). An illustration of all the above motives is the case of Thailand. The Cambodian and Vietnamese refugees are, with the exception of those who have already been accepted for resettlement by third nations, kept in closed camps along the border with Cambodia. The border strip in which these camps are located has been declared not to be part of Thailand in order to make it possible for the Thai government to deny these refugees an official status. Not having legally reached the territory of another state, they are unable to claim asylum; and not being officially acknowledged refugees, the UNHCR has no jurisdiction over them. Their camps are in a highly sensitive region with sporadic fighting, and the area is off bounds to anyone who does not have the permission of Thai military authorities to enter it. Long-standing historic tensions between Thailand, Vietnam, and Cambodia serve to limit any sense of responsibility or empathy the Thais might feel for the misfortunes of the refugees.

The East-West Conflict

Many refugees escape from local, tribal, or regional conflicts only to stumble into the larger battlefield of the East-West conflict, a conflict of which they themselves may previously not even have been aware. This assignment of refugees to one of the sides of the Cold War effectively works to discriminate against populations who themselves have little choice in the affiliation. But the discrimination is selective, tending to benefit those refugees who find themselves assigned to the West. The reason for this is that the Soviet Union does not have a policy of providing emergency relief, disaster relief, or refugee aid to countries within its sphere of influence.

As a result, the refugees from Ethopia's war with Somalia are among the most undersupplied in terms of goods and services. In 1983, Ethiopian refugees who had lived for an average of five years in camps in Djibouti still did not have any significant infrastructure. A private organization was just beginning to establish

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a school, and there was some preliminary construction going on for a clinic. There were only five tents for both camps, and no material for the construction of dwellings had been provided. The refugees lived in stone hovels, the more luxurious ones being fortified against rain by cardboard and plastic strips taken from the containers the rations were delivered in. Third countries were sparsely represented by a German medical team in one camp and a Scandinavian women's weaving project in another. Unlike Thailand, this was not due to any policy of the government of Djibouti, which in fact would have been only too delighted to receive international assistance for these refugees. The camps were open and accessible and any sort of interest was welcomed, though hardly any was forthcoming, since the Ethiopians are considered to belong to the Soviet sphere.

This is also true of the refugees from El Salvador who have fled to Nicaragua. The refugees interviewed by us were primarily old people and women and children who had fled in village units during the course of 1981 and 1982 from the fighting in their area.[1] The majority had first stopped in Honduras, but had been forced by harassment and further fighting to move on to Nicaragua. They expressed appreciation for the courteous reception they had received in Nicaragua. Alone of all the refugee populations surveyed, these refugees were being handled by the same infrastructure available to the local population, with whom few tensions were reported. Children attended the same schools and the refugees were visited by the same mobile health units and were theoretically eligible for the same jobs as Nicaraguan citizens. They were also allowed to cultivate crops on land assigned to them, a privilege often withheld from refugees because it is considered to be a signal that they are here to stay and have a claim on the land. Most host countries assiduously avoid such a signal of permanence. These refugees did not appear to have a very sophisticated grasp of larger political issues or to have selected Nicaragua out of any sense of political affinity. Nevertheless, they are subject to the same ban on western aid that affects the country as a whole. Church organizations are the only ones providing any support to the refugees, and that is very limited in quantity.

In contrast, refugees seen as belonging to the "free world" are in a comparatively more fortunate position. More funds and aid will be forthcoming, and a greater variety of agencies will offer support and services. The Afghan refugees are an illustration. Their presence in Pakistan serves as a reminder of Soviet aggression, so they can be put to political use. There are dozens of voluntary groups and private committees based in Peshawar alone, supplementing the activities of national, church, and international organizations. In some camps, rivalries exist between organizations all seeking to provide similar services for the refugees.

Even where refugees are on the "correct" side of Cold War lines, however, East-West politics can operate to their disadvantage. Like the Afghans, the Vietnamese

[1] This paper is based on research conducted in Pakistan, Nicaragua, Lebanon, Ethiopia, Thailand, and the Sudan between 1982 and 1986 for the Ludwig Boltzmann Institute of Politics, Vienna, Austria.

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refugees in Thailand have fled from communism. However, they have fled to the territory of an important regional ally of the United States, Thailand. In their case, western loyalty to an ally takes precedence over the refugee issue, so that western agencies are very circumspect in criticizing the policies of Thai officialdom—including the detention of the refugees in a combat zone and the documented abuse of the refugees by the special military task force that runs the camps.[2]

Pawns without a board

Refugees can be political symbols because they personify by their mere existence a profound criticism of the state they have fled. Their flight implies that conditions are either unsafe or undesirable—that, in short, their state has failed to provide them with the minimum requirements of life, instead forcing them to leave at high personal risk. There is a material as well as a purely propagandistic side to this, stemming from the recognition that there are instances in which "refugees may be an effective device to use in changing the internal situation in another country."[3]

This can work in different ways. Regions can be deliberately depopulated in an effort to deprive an opposition movement of its popular base. This is happening today in parts of Ethiopia, where the government is driving people out of provinces it has not been able to pacify. Alternatively, an exodus can be encouraged by outside forces in order to weaken the established government by draining its manpower, skills, and legitimacy, while at the same time swelling the ranks of its opposition. "In the movement for independence in Africa, those African countries that had achieved independence sought to encourage the independence of the remaining colonial territories by not only accepting political refugees but by giving these refugees all varieties of assistance so that they could evolve as liberation movements infiltrating back into the colonial territories."[4]

It can also happen that both sides, the government and its opposition, try to manipulate a refugee movement for their own benefit. An illustration is the Afghan case. On the one hand, the government has been accused of deliberately depopulating those provinces that are militarily the most difficult to gain control of. On the other hand, the rebels are thought to encourage the large-scale flight to Pakistan because this is useful as a propaganda device against the Kabul regime and because it increases the base for the opposition movements.

The purely propagandistic role of refugees is best illustrated by the case of eastern Europe. Individual escapees from the German Democratic Republic to West Ger-

[2] See, for example, the *Country Reports on the World Refugee Situation*, Report to Congress (Washington, D.C.: Department of State, 1983).

[3] Thomas Hovet, "Boundary Disputes and Tensions as a Cause of Refugees" in Hugh Brooks and Yasin El-Ayouty, eds., *Refugees South of the Sahara* (Westport, Conn.: Negro University Press, 1975), 25.

[4] Ibid., 26.

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many and larger-scale population movement from the Soviet satellites to the neighboring western countries continue to serve as much-publicized evidence of the repressiveness of their regimes and the undesirability of their social forms. Such institutions as Radio Free Europe, however, have been accused of luring persons who are not personally subject to political persecution and are not suffering real deprivation by offering them a distorted picture of what awaits them in the West. They played such a role in Hungary during the 1950s and have recently been accused of a similar role in Poland.[5]

As far as the treatment of such refugees is concerned, the host country will generally be faced by a dilemma. On the one hand, it wants to contrast favorably with the communist countries these people have left behind and to present life in the West in the best possible light. On the other hand, it does not want to encourage more refugees to come. It also does not want to convey the impression to the international community that it can readily absorb these refugees and support their needs. Instead it wants to stress what a burden they are, so that more support from other western countries will be forthcoming. Refugees are never genuinely welcomed by the population of the host country, which fears them as competitors for jobs, housing, and services; their living conditions must not be too good or this will cause problems domestically vis-à-vis the native population and will attract more refugees and decrease the likelihood of subsidies. On the other hand, one does not wish to appear inhospitable or callous.

In the 1950s Austria, still struggling with its own economic recovery, was not delighted at the influx of Hungarians and resented the fact that the U.S., whose broadcasts to the eastern bloc were seen as having been instrumental in attracting these refugees, did not assume more of the burden of their support. U.S. food donations at that time ranked in sixth place, after the Vatican, Spain, France, West Germany, and Switzerland.[6] A similar situation occurred with Polish refugees in the early 1980s. To slow what was perceived as a worrisome influx of refugees into Austria, the Poles were declared to be "economic refugees," not political ones, and the border was closed to them. A few days later, embarrassingly for the Austrians, martial law was declared in Poland and they were obliged to rescind the label of "economic refugee." However, Austria bargained with western powers to receive substantially more assistance in exchange for the renewed open-door-to-Polish-refugees policy.

Refugees and Natives—Domestic Consequences of Refugee Presence

In his empirical study of the Muslim-Hindu population exchange in what is now India and Pakistan, Stephen Keller found that a high concentration of refugees in a particular region correlates highly with three effects: subsequent political un-

[5] Miklos Szabo, *Homeless in the World* (Budapest: Pannonia Press, 1960), 38.
[6] Ibid., 63.

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rest in that region, an increased degree of interpersonal violence, and enhanced political activity.[7]

Under the best of circumstances refugees are a potentially destabilizing factor for the domestic politics of the host country. The local population will be apprehensively and resentfully on the alert for any threat to its own interests. They will envy the attention and begrudge the funds given the refugees, fear their competition in the job market, and resent the resources they consume. Paradoxically, it appears that envy and hostility are greatest not vis-à-vis an entirely foreign group, but vis-à-vis those refugees who have some ethnic or other affinity to the host country—such as Algerian settlers forced to return to France in the 1960s after the war of independence, displaced Germans resettling in West Germany after World War II, Ugandan Asians with British passports admitted to England, and Afghan Pathans moving into ethnically-related areas of Pakistan. The reason may be that these persons are more directly perceived as rivals; they have a legitimate claim and, therefore, present far more of a threat than do total aliens who must be grateful for the charity of the rightful inhabitants.[8] They feel entitled to what they receive, can demand it much more forcefully because they are familiar with the language and the way the system operates, and they are far more likely to stay. Their knowledge of language and culture also makes them much more likely to seek to competitively enter the labor market.

Given the strength of sentiments against the refugees at the local level, it is not surprising that their admission and their treatment often become issues in domestic politics. The methods by which this conflict is conducted may include heavy reliance on prejudice, rumor, and irrationality. For example, in England opponents of the policy of admitting Ugandan Asians distributed letters purportedly coming from government agencies and ordering the recipient to admit a family of Asians into his home.[9] At the same time, the apprehensions of the local population, though they may express themselves in extravagant rumor and farfetched fears, nevertheless have a realistic core: jobs, housing, and government subsidies *are* scarce, and the refugees *are* competing for these goods with the local nationals.

However, the refugees may also bring with them some immediate or potential economic benefits. While these will be less evident to the population as a whole, there will be no lack of groups and individuals ready to exploit the available opportunities. This is not a contradiction in terms. It may be true, as some authors have noted, that refugee presence *on the whole* benefits the economic development of the region they are quartered in; however, this benefit will affect the population unevenly and may well operate to the relative disadvantage of the majority of the population. The increased demand for housing, for example, will benefit

[7] Stephen Keller, *Uprooting and Social Change* (New Delhi: Manohar Book Service, 1975).

[8] See Derek Humphrey, *Passports and Politics* (London: Penguin, 1974) for the case of the Ugandan Asians; Joseph Schechtman, *The Refugee in the World*, (New York: A.S. Barnes, 1963) for the cases of Algeria and postwar Germany.

[9] Humphrey, *Passports and Politics*, app.

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the real estate market but hurt the economically weaker segments of the native population, whose rents will go up and who will experience greater difficulty in finding affordable housing. Shopkeepers may benefit from the presence of western and international aid organizations, but the inflation of prices for consumer goods and food will hurt the local population. Seen in sum, the local infrastructure may improve, but the native population may still experience relative and even absolute deprivation as a consequence of the schools, clinics, and food distribution programs set up for refugees. This is especially, but not exclusively, true of Third World countries.

Some governments have sought to gain political capital out of this potentially disruptive situation. In Thailand the government exercises pressure on donor states to contribute in a kind of parallel fund-matching program to the so-called "Thai affected villages." In actual fact the situation of the refugees in this region is particularly desperate, and the Thai villages are "affected" in large part due to their own government's policy of keeping the Cambodian refugees confined in a combat zone, where they and the adjacent villages are targets of military attack. The term "Thai-affected villages" implies that the local population is suffering because of the refugee presence, rather than because of larger events of which the refugees, too, are victims.

Pakistan's General Zia ul-Haq was able to dramatically improve both his personal position and the relationship of his country to the Arab states and the U.S. by permitting Afghan refugees and their most important political organizations to settle in Pakistan. As a "front-line state" against Soviet aggression and a host to a very large refugee population, Pakistan has been the recipient of military and economic aid programs it would otherwise most probably not have received. There are also persistent charges that Pakistan takes best choice from any weapons and aid channeled through them to the resistance and the refugees.[10]

In the European context, political unrest and increased violence due to refugee presence usually remain within manageable dimensions and do not seriously threaten stability. With the exception of some tragic individual incidents, including a number of murders of Indochinese refugees by right-wing Germans, the German police are able to cope with violence between native Germans and refugees. In the immediate postwar period, the U.S. military government in West Germany reported many instances of violent discord between the native population and the expellees, but the situation was not a serious threat.

In Britain, airport porters refused to carry the luggage of Ugandan Asians, and local neighborhood groups circulated petitions against their admission; there were numerous individual acts of violence. The issue of the admission, status, and treatment of refugees may also become an issue in national politics, usually with the opposition party opposing the allegedly too-generous policies of the ruling government. In the Third World, however, in locations where ethnic rivalries may already be virulent and where the extension of central government control is very

[10] Salman Rushdie, *Shame* (New York: Knopf, 1983), 69, satirized this situation in fictionalized form.

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imperfect even under ordinary circumstances, where essential resources are very limited and concensus on the legitimacy of the political system is shaky at best, a large influx of refugees can present a real threat. The political opposition may then add the issue of refugees to its list of grievances, and the position taken may be either for or against the refugees. They may argue that the government is betraying a just cause and sabotaging the political rights of the refugees (as some groups argue on behalf of the Palestinians) or they may say that the government has sold out to the refugees at the expense of the nation itself (as the Pakistan People's Party (PPP) sponsored demonstrations against Afghan refugees in Pakistan have maintained).

This kind of a situation may also place the refugees themselves in significant danger, because if the domestic situation of the political system they have entered is such that a consensus on the legitimacy of the government does not exist, then a consensus on the validity of abstract international agreements and human rights charters will be still more unlikely. Massacres of refugees in Latin America, Africa, and Asia testify to this fact.[11]

Politics in the Camp

The term "refugee politics" can refer to a number of different things. In its most common application it refers to the national and international decision-making process concerning the admission, treatment, and administration of the refugees, and the negotiations determining their ultimate fate. But there are two other levels to which the term would also apply. First, there are those organizations that carry out some political functions vis-à-vis the refugees, providing some of the services of a state and charged with representing the interests and mediating the disputes that arise in regard to the refugees. Second, one can also view the refugee population as a kind of polity, having its own kind of political process.

In all three of these political perspectives, the main characteristic of the refugees remains their dislocation and their marginality. The political institutions that have power over them may not represent their best interests and may in fact be extremely hostile to them; the institutions that have the authority and the will to protect their interests may not have the power to do so; the refugees themselves may have their own political institutions that may have coercive potential and authority, but no power, in those arenas that really matter. Some of the features of the second two forms of refugee politics are described in the following section.

Refugee Institutions

A variety of institutions, many of them dating back to World War II, address themselves to the administration of refugee problems and the representation of refugee

[11] See the *Refugee Newsletter* published by the World Council of Churches for regular bulletins on these issues.

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interests. They fall into the major categories of international organizations, national organizations, and voluntary agencies (*volags*). The work of these institutions and organizations reflects the paradoxes and ambiguities of the refugees' status. This is true even of the most influential and powerful of these organizations, the UNHCR.[12] The degree of its activities and influence is delineated by the same political constraints that determine the other aspects of the refugees' situation. The funds made available to UNHCR by donor states depend on how useful those states perceive a particular refugee population to be to their ongoing foreign policy. The scope of activities and decisions allowed to representatives of UNHCR depends on the policies of the host government and the pressure other countries can be persuaded to bring to bear on it.

Persons and organizations working with refugees often find themselves operating in the same gray zone of semilegality and marginalism that characterizes refugee life. They may find it necessary to collaborate with official policies they find reprehensible, because their only alternative is to have no access to the refugees at all. They may, in keeping with this, either leak information to the press or help keep abuses secret from outside observers, depending on whether they think publicity would influence or only anger the responsible officials. They may have to use deception, distortions of identity, and illegal backroads through the hostile and ineffective bureaucracy. They may unofficially commission another organization, less bound by official constraints than their own, to perform tasks they cannot do. Some examples of the above are the funneling of supplies to groups not officially entitled to them but performing a necessary service; allowing experts who will be employed by their organizations to enter the country illegally as "tourists," because visas and work permits are not being issued or take too long; appearing sympathetic to representatives and policies of the host government while at the same time denouncing them to others and trying to persuade outside voices to condemn them. They engage in these measures because they may be the only way to fulfill what they consider their moral mandate: to help the refugees survive. It would be interesting to study what effect, if any, this operating in bureaucratic gray zones has on the political identity and attitudes of the employees of refugee organizations. In a sense they form a subcommunity of their own, frequently interacting with one another over a period of many years as they all move from one refugee crisis area to another.

The operation of even the most important of these organizations, the UNHCR, is severely limited by the de facto powerlessness of the organization to counteract decisions or violations by the host government. Thus, it acts with more authority than is objectively warranted. For example, the UNHCR may issue the refugees documents giving them official refugee status and theoretically guaranteeing them

[12] On the beginnings of refugee organizations, see *The Refugee in the Postwar World* (Geneva: United Nations, 1951); for an analysis of the structure and operations of the UNHCR, see Louis Holborn, *Refugees, A Problem of Our Time* (Metuchen, N.J.: Scarecrow Press, 1975); for the Honduras incident, see the *New York Times*, 5 September 1985.

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certain rights and protections; but the host government can violate these at will. In a recent incident in Honduras, two refugees including an infant were killed in a raid by the army, and ten refugees bearing UNHCR identity cards were taken away for interrogation. In all such cases, the UNHCR can do little more than protest; and in the case of refugees who are not currently in the headlines or who do not have a superpower behind them, this protest will achieve very little.

The political process of the refugees is governed by the exigencies of an ambiguous and often contradictory situation. In the three classic political categories of violence, power, and authority, refugees have their own style of political culture.

Violence

Refugees characteristically are in flight from the violence that threatened them in their home. Arriving at the new destination, they may become victims of the violence of an inhospitable local population; or they may find that they have brought their own war with them. In the refugee camps the splits and factions that were at odds with each other at home may simply reproduce themselves. One form this may take is that of ethnic or tribal strife. In its mildest form it is illustrated by the continuous rivalry in Afghan refugee camps between the dominant Pashtuns and the less powerful ethnic groups such as the Hazaras over such issues as the distribution of goods and services. Each side is always sure it is being shortchanged to the advantage of the other.

The problem will generally be most intense where some of the political structures of the warring parties carry over into the refugee situation. The Palestinians are only the most obvious example among many. The same applies for Thailand, where conflicting Cambodian groupings maintain their headquarters within the camps and prey on each other's civilian populations. It is also true in Pakistan, where different Afghan opposition groups maintain head offices in Peshawar and compete for control of the camps. Here there have been killings of members of rival groups and pressure is put on the refugees to join one or another organization.

Besides this political violence, there generally appears to be a heightened proclivity towards interpersonal violence as well. "Refugees are not only more aggressive than non-refugees," Stephen Keller notes, "but more aggressive than they themselves were before."[13] Studies of the psychology of refuge life and of the camp situation have produced several hypotheses for explaining this phenomenon.

First, they cite the frustrations of confinement, enforced passivity, and dependence on others for all of life's basic needs. This kind of situation can produce two contradictory responses: the so-called "DP (displaced persons) apathy," a condition of general listlessness and resignation; and random, directionless expressions of violence. Both may be sublimated into physical disturbances, and psychosomatic disorders are extremely frequent among refugees.[14] The violence may

[13] Keller, *Uprooting and Social Change*, 3.

[14] See H. B. M. Murphy, *Flight and Resettlement*, (Lucerne: UNESCO, 1955).

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be directed against the individual himself in the form of sickness or attempted suicide or against other members of his group. It may also lead to a profound condition of alienation described by Bruno Bettelheim and others as "identification with the aggressor."[15]

The second response is a kind of shock reaction to the total disruption of one's life and the loss of one's home and property. This seems especially to affect traditional-minded populations who were previously very sedentary and whose code does not value change and flexibility. To such persons the world may truly appear to have lost its moorings, and such concepts as right and wrong, just and unjust may lose their meaning. Such a response may be experienced even by more modern populations. A Dutch medical doctor obliged to flee from the Nazi occupation has described his own experience of departing from the realm of everyday normality and becoming an outlaw:

> Everything I did was forbidden. I ate without giving points [ration points]; I travelled by train without special permit; I crossed frontiers without any papers or with forged ones. From being a decent, law-abiding citizen I became a deceiver, an actor and imposter. I did not care anymore for comfort. General hygiene was abolished, food was taken when there was some, or done without.[16]

The kinds of crimes and acts of violence most common among refugees follow a pattern explainable by this kind of experience. There are quarrels over the allocation of goods but also over quite trivial matters, escalating into violence in a manner that has been described as infantile.

The classical description of this phenomenon comes, of course, from Bruno Bettelheim, who analyzes the "child-like behavior," infantile responses, and "regression" of the prisoners into childhood personality structures as he observed and experienced this in the Nazi concentration camps.[17] To Bettelheim, this mass production of child-like behavior was both the deliberate goal of the fascist system, which induced it by coercion and psychological manipulation, and a defense mechanism—although, in Bettelheim's view, an inadequate and self-destructive one—on the part of the camp inmates, who found some psychological refuge in this attitude. Obviously, the extent to which this response will manifest itself depends on the severity of conditions, and in fact the treatment of refugees varies very substantially. What they have in common, however, is their dependency, their dubious legal status, and the arbitrary nature of the power and the rules they are subjected to. Survival under such conditions does not require the same behavior as at home.

[15] Much of the theoretical and empirical material on the psychology of refugee and camp life stems from the concentration camp studies carried out in the post-World War-II period. But see also P. W. Burvill, "Immigration and Mental Disease" in Juan Mezzich and Carlos Berganza, eds., *Culture and Psychopathology* (New York: Columbia University Press, 1984).

[16] S. A. Prins, "The Individual in Flight," in Murphy, *Flight and Resettlement*, 26.

[17] Bruno Bettelheim, *The Informed Heart* (New York: Free Press, 1960), 13 ff. For a dissenting view, see Terrence Des Pres, *Survivor* (New York: Oxford University Press, 1976), chap. 6.

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Typical "illegal acts" on the part of refugees include misrepresentations of self, of one's identity, one's qualifications and political beliefs; these are responses to the sudden and abrupt dislocation of one's former life, the irrelevance of one's former self, and the dependence on the wishes of others. For example, the Cambodian or Vietnamese peasant will have to convince the American immigration officer of his devout anticommunist stance. His ability to do so to the interviewer's satisfaction may depend more on his education and his urban background than on his real sentiments. From this refugees might reasonably conclude that their survival, or at any rate their chance to fulfill their ambitions, depends less on what they are and what they believe than on their ability to meet the alien standards of those who control their destinies. Thus, what we may refer to as "crimes of identity" (lies, exaggeration, misrepresentations of biographical facts) are extremely common and are reported for many different refugee situations. In his article, "The Aftermath of Belsen," Henri Stern notes that "there were false rabbis, and fictitious doctors were quite numerous . . . ."[18] To treat such behavior strictly in psychopathological terms, of course, misses the point; it is also a survival mechanism that will open doors for an individual where the truth would doom him.

In the Afghan refugee camps, increasing the size of one's family when registering for rations and supplies is reported to be extremely widespread and encouraged by the segregation rules of traditional Pashtun society, which make it impossible for strangers to see, let alone count and register, the women and girls. Among the urbanized middle-class refugees, it is more common to exaggerate one's education and job skills in the hopes of improving one's chances to emigrate to the desired country. Since documents can plausibly claim to be (and often really are) lost, incomplete, or inaccessible, the situation encourages such cosmetics. Medical students present themselves as doctors, civilians portray themselves as resistance fighters, etc.

In Thailand, as in many other refugee situations, refugees try to marry local citizens, sometimes paying them for their cooperation, in order to get the legal benefits (residence rights, work permits, etc.) accruing to spouses of citizens. Some Palestinians routinely possess alternate identities, complete with alternate sets of documents giving different places of birth, a different religious affiliation, and a different nationality; they present these as the need arises. Here, as in postwar Europe, there is significant traffic in the documents of deceased persons. The fact that the papers are often purchased from Lebanese officials contributes to the sense of moral and legal dislocation that refugees experience: one is not breaking the law; one is merely surviving within a framework of corruption and anarchy.

Loss of home, property, and country is almost by definition the fate of the refugee. This may help explain the third most common form of crime, crimes of property. Having lost what was rightfully theirs through no fault of their own, refugees may feel themselves entitled to compensations of all sorts. They may also experience a loss of the sense of property altogether. If they could inexplicably from one day

[18] Murphy, *Flight and Resettlement.*

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to the next be robbed of what was theirs and had been theirs for generations, then perhaps the rules of right and wrong no longer apply at all. Petty theft is a common problem in the camps. More organized forms of crime or exploitation, of confidence rackets and the like, have been reported in many instances.[19]

In Pakistan, there are complaints about poorer refugee groups occupying someone's farmland through squatting and refusing to leave in order to be settled in the designated camp sites. In the urban centers refugees are said to move into houses or apartments and then refuse to pay the rent.[20] As the majority of the offenders may be presumed to have lived within the bounds of the law before, their transgressions reflect an attitude that those who experienced injustice and dispossession must be compensated.

Power

The situation of the refugees has been defined as one of powerlessness, and while this is an important observation that serves to explain many features of the refugee mentality, it is not differentiated enough. Refugees are a community and in some senses even a polity. They have power structures of their own, some carried over from before, others newly evolved. Refugees are a marginalized population. They have left their own state and are now residents of a different state, of which they are not citizens. Their status is regulated by international agreements, but there is no way for the international community to enforce these agreements, much less for the individual refugee, who may not even be aware of their existence, to insist on his or her rights. The situation may change from one moment to the next if there is a shift in the way the war in the refugees' country is going, if the government of the host country changes, or even if that government merely decides to change its refugee policy. The refugee may find himself the subject of multiple powerholders who are at odds with one another: the UN agencies and their local representatives, under orders from Geneva; the representatives of the central government of the host country; the representatives of the local or regional administration, which may be pursuing policies significantly at variance to those of the central government; the representatives of political parties or movements of the refugee's own country or political movement.

In the course of a week, Afghan refugees may interact with a dozen emissaries from different centers, all exercising a form of power and authority over them. First, there may be the representative of the Pakistani Refugee Commission, important because he stands for the host country's government; determines where the refugees will be settled; and provides schools, blankets, tents, rations, identity cards, and meals. Then may come someone from the UNHCR, also responsible

[19] Szabo, *Homeless in the World*, 48.

[20] For one example, large-scale demonstrations in Pakistan protesting the allegedly favorable treatment accorded Afghan refugees who committed crimes in Pakistan, see the reports in Oesterreichischer Rundfunk, 13 February 1984.

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for basic resources and services and expected to carry refugee grievances against the Pakistani government to a higher authority. Next may arrive a delegation from one or another Arab or Muslim country or organization, such as the Red Crescent; they have power because they are important sources of money, goods, services, and authority, because they represent Muslim organizations and are influential coreligionists. A group of American congressional delegates may visit and be received as persons endowed with the power to influence the U.S. supply of arms and other support to the Afghan resistance. Then there are the representatives of the various resistance groups, exercising power and authority along a descending scale of magnitude, with the Islamic fundamentalists having the most, the leftist splinter groups the least. They are—to vastly differing degrees—powerful because they have the capacity to use coercion and because they too control significant resources. The Hizbi Islami party under the leadership of Gulbuddin Hekmatiar, for example, has its own police, its own courts and prisons, and it provides education, job training, housing, and subsistence goods for its members and sympathizers. Dissidents are persecuted, criminals tried and convicted, and the infrastructure maintained, all on the alien territory of the state of Pakistan. Such political groups, meeting the criteria for a government except for their lack of sovereignty over territory, may in fact have authority deriving from the very absence of such territory and through their status as resistance movements.

These varied powerholders act differently on the refugees and may at times require contradictory responses. This will particularly be the case where they are in direct competition for control of the refugees or of some aspect of their lives. An example is the socialization process, a crucial aspect of social organization and one that is hotly contested. In some camps, there are parallel sets of school classes—some organized by the local, often religious, leadership; others run by one of the political organizations; another jointly run by the Pakistani Refugee Commission and UNHCR. The Pakistanis, the refugee organizations, and the local camp leadership may all provide teachers, teaching materials, a school location, and supervise the curriculum. In other cases, one school will become the object of contention among the rivals.

In a typical scenario, the Pakistani authorities will erect the school tents donated by the UNHCR; upon the departure of the Pakistani officials, the resistance group Hizbi Islami will unfurl its flag above the building and exchange the Pakistani schoolbooks (especially designed and printed for the refugee children) for their own schoolbooks (which place emphasis on political indoctrination). The teacher, a mullah agreed upon by all of the contending parties, will abandon the curriculum designed by the Pakistani authorities and design his own combination of Koranic instruction and Hizbi Islami material. Some weeks later the Pakistani school inspector will make an unannounced visit, discover not at all to his surprise what has transpired, and oblige the mullah to resume with the official curriculum.[21] Similar struggles go on over the distribution of rations and goods, with

[21] Reading primer, (Peshawar: Hizbi Islami, 1982).

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all competitors seeking to take credit and receive recognition. The competition is exacerbated by the absence of concensus over political legitimacy. Typically, the refugees in such situations come from a background in which the state did not possess legitimacy (civil war, an occupation army, partition, etc.). If the refugees did not acknowledge the legitimate power of their own government, they are correspondingly unlikely to recognize the power of a foreign government over them, except out of necessity. The host government, often unable to project power even over the outlying portions of its own country, may not be up to the task of controlling the refugees and their political leadership.

Authority

The refugee situation, representing an abrupt severing of the ties of normal life, may also bring about fundamental disruptions of prior authority patterns. This may take one of several forms: old authority structures may be revitalized; existing authority patterns may be reinforced; or established authority may be undermined. All three developments contain potential for significant conflict. The refugee experience may, first of all, deprive portions of the elite of the basis of their position. Large landowners are now without their land and live side-by-side with their former tenants in a tent donated by the Red Cross; village elders may find themselves separated from the rest of the villagers through the exigencies of flight and may end up among strangers to whom their claims of status mean little and to whom they are just other old men. Even where they continue to be recognized, the old elites may try to take preemptive measures against the threatened or anticipated challenge to their positions. They will do this by becoming more conservative. Lapses of behavior and loosenings of ritual and respect that might have gone unnoticed in the former context will now be subject to immediate sanctioning. As long as the structure seemed secure, it could tolerate deviations; now, beleaguered, it will be watchful, even oversensitive. In the Afghan camps, for example, rules of sexual segregation are enforced much more rigorously than they would have been in the villages. At home, if young women took an inordinate amount of time to fetch water, then one could be sure that they were merely gossiping at the well, or, at worst, exhibiting themselves in a group to young men circling nearby and within easy supervision of their elders.[22] In Pakistan, however, they may be seen by strangers, interact with Pakistanis or westerners, thereby acquiring a bad reputation (which will dishonor their men) or new notions about life (which will threaten male authority). To prevent this, women are confined strictly to the enclosed walls of the family encampment and allowed to go about their tasks only in large and supervised groups. If a young woman is permitted to visit a female doctor at the health clinic, a member of the husband's family (usually the mother-in-law) will accompany her to make sure no undesired information

[22] See Inger W. Boesen, "Conflicts of Interest in Pashtun Womens' Lives," unpublished ms., Institute for Ethnology, University of Copenhagen.

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is exchanged between the young woman and the medical staff. Therefore, the refugee situation may serve to reactivate or solidify authority structures and social norms that might under ordinary circumstances have undergone a gradual process of attrition; now, they have become self-conscious and defensive, subject no longer to evolutionary undermining.

However, the conservative and defensive response of traditional authority reflects the correct perception that the traditional position has objectively been weakened relative to that of the real or anticipated challenger. Not only have adherents of traditional authority lost some of the material foundations of their position, there may also be a shift in the relative value of some of their other leadership qualifications. In traditional tribal and village society, age, familiarity with religious precepts, kinship to certain important families, etc. may be the most significant personal attributes. In a refugee situation, youth, personal flexibility, and the ability to adapt to a new environment may become traits with a high survival value. Authority patterns (in sociological terms, as contrasted to the political ones discussed above) may be subject to challenge along three main dimensions: class, age, and gender.

Changes in authority patterns along the lines of class are difficult to document for a refugee situation. It seems that they either subsume themselves into the immediate political conflict or take the form of totally different refugee experiences on the basis of class. This may lead to a de facto social break-up of what was formerly one stratified population, as each stratum follows a different path. Typically, the younger, educated, urban middle class will emigrate to one of the western countries of asylum (Canada, Australia, the U.S., or a West European country), taking along those of their closest relatives who do not themselves possess the qualities that would make them eligible for emigration to that country.

The rural population, most members of the traditional elite, and the poorer parts of the urban population will remain behind. Those who can afford it may be able to avoid the camp and take up residence in a city or town. These refugees may in time be absorbed into the population of the host country, return home if circumstances permit, or migrate to another country of the region; they may also stay on indefinitely as refugees. The consequences of this splitting of the social strata, of which the depletion of its educated and skilled members is only one small aspect, have not been studied.

Clashes among the refugees on the basis of class differences are rare, partly because of the physical separation. The more prosperous, those with relatives or friends abroad, and those with good connections and access to information will often escape the camp experience altogether. They will be able to afford an apartment or room in town, to leave their country for a desirable permanent location before the exodus has properly begun, to speed up their resettlement through knowledge of the workings of the bureaucracy, through sponsorship, bribes, etc. More common are the conflicts resulting from the other two authority lines, age and gender.

In a refugee context, patriarchal authority may be subject to a barrage of new threats. For village populations flight may mean being located in or near a city, possibly in a country that is socially more progressive than their country of origin.

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In addition, the presence of a large number of representatives of the modern West, all eager to introduce clinics, schools, job-training programs, recreational activities, and other such insidious harbingers of new social ideas, present a constant menace to traditional belief systems. Holders of traditional authority will attempt to limit the impact of these influences. They will jealously supervise the curriculum of the schools or sabotage them altogether, suspiciously guard the goings-on in the clinic, and seek to undermine any program they decide is too dangerous. Among Muslims, women and girls will commonly be forbidden to partake of any of these new offerings, often including medical services and education. The reason given will be explicit: this might make them rebellious. At the same time, these services will not be resisted altogether, since they are seductive in their desirability. The holders of traditional authority will simply seek to maintain the upper hand and to control as far as possible the extent and the kind of new influences. They are handicapped in this by the disruption of their former positions.

The survival of the family is no longer in fact being provided by the males for the women and children, or by the adults for the youth. Each family member is receiving provisions in his or her own right from a neutral outside agency. Thus material dependence, the most basic fundament of authority, has been objectively eliminated. The defenders of this authority respond in two ways: by attempting to conceal from their subordinates that such a change has taken place and by increasing the negative sanctions to make up for the loss of positive ones. In the first method, they are aided by the essentially patriarchal workings of international refugee aid. It is still the practice in nearly all refugee situations to dole out the rations to the male head of the family wherever possible and to consider him the representative of his "dependents" in applications for asylum and immigration. In the case of the Ugandan Asians, for example, British authorities distributed immigration vouchers to the male heads of families; these vouchers entitled them to bring along their wives and children. The UNHCR routinely interviews only the man. In numerous cases that came to light by coincidence, the woman did not wish to emigrate or had no idea of her destination.[23] Thus the man can present himself to his wife and children as the source of their sustenance, even where this is no longer objectively true and where the rations are allotted to individuals in their own right. The men may genuinely feel that they are the proper owners of all the rations, regardless of what the benighted westerners who distribute them may believe, and may withhold them or portions of them from the women and children. This is the case in the Afghan refugee camps in Pakistan, where the more desirable food and clothing items are kept by the adult males, even if the donors had clearly intended them to be distributed to women and children.

Where these measures fail or are felt to be insufficient, there is a distinct rise in the exercise of violence and coercion. In the region studied by Keller, child beating was more than twice as frequent among refugees than among nonrefugees.[24] This

[23] See Cheryl Benard, "Womens' Anthropology Takes the Chador," *Partisan Review*, May 1986.
[24] Keller, *Uprooting and Social Change*, 93.

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was not due only to the rise in interpersonal violence that is characteristic of refugee situations, but was part of the redoubled authoritarianism of family heads who felt their position to be threatened. On a questionnaire, refugee men gave highly authoritarian responses on questions dealing with the hypothetical disobedience of sons, recommending very rigorous punishment and in some cases even death. Violence against women generally and wives in particular is another common feature.

Among the Cambodian refugees, incidents of rape against Cambodian and Vietnamese women refugees are very common. On the Samet Platform, an encampment of 250 unprotected Vietnamese in the middle of a Cambodian refugee camp, the refugees would say privately that there was not a young woman among them who had not been raped, either during the flight through Cambodia or in the camp. The refugees modified traditional sex-role norms in order to socially manage this situation; the men pretended not to know that the women had been raped, since acknowledgement of it would have made the young women unmarriageable; and the community in return overlooked the unmanly behavior of the men who failed to defend the women against the attacks of the numerically stronger Cambodians.

Violence against women as a means of upholding gender-based authority patterns is particularly evident in the case of family violence. In the absence of data concerning the frequency of marital violence in the pre-refugee situation (and such data are simply not available), it is necessary to rely on the subjective statements of the refugees and of researchers who have spent time with them in both the pre- and the post-flight situation. In the transit camps in Thailand (set up for those refugees who had already been accepted for resettlement in a third country) incidents of wife-beating were so common that counseling centers and a shelter were under construction.

Among the Afghan refugees, violence against female family members (wives, sisters- or daughters-in-law) is extremely high and is felt by both the Afghan and the foreign assistance workers to be higher than previously. Medical staff see many cases of battered wives, including severe concussions, fractures, etc. The reason cited by male Afghans for their behavior is twofold and clearly supports the hypothesis that authority patterns perceived to be threatened may be preemptively bolstered by violence. Contact with newfangled notions introduced by the foreigners, the first argument goes, threatens to bring about undesirable and disobedient behavior on the part of the women. And secondly, the men argue, while they may have lost a lot they have not yet lost their power over their women, and they intend to keep it. Some will say that they left the country precisely because the Communists were trying to force them to treat their women differently (by introducing schools for girls and legislation improving the status of women) and they do not intend to submit to this without a struggle.

We know from other contexts that men may respond to a loss or expected loss of prestige by increased violence against their wives.[25] There appears to be a par-

[25] For an analogous study on the results of stress and dislocation in a family power context, see Susanne Steinmetz and Murray Straus, *Violence in the Family* (New York: Harper and Row, 1974).

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allel to this in the refugee situation. Men, particularly men whose self-definition contains the qualities of a warlike disposition and gives the honor-shame complex great prominence, may feel humiliated and threatened in their masculine identity by having their country occupied and themselves driven from their homes. Reluctant or unable to fight against the actual enemy, they may compensate by asserting an aggressively domineering patriarchal authority over their own women and children.

As they gain their political footing, the refugees or their leadership may begin to seek a more active part in the national and international politics affecting them. They will become more adept at entering the political process of the host country by forming tactical alliances with opposition parties or by finding ways of exerting pressure on the ruling government in order to forward their own interests. They may also enter the arena of international politics, both regional and global, by seeking affiliations with countries and governments who may support their position. This particular aspect of refugee politics has received analytic attention, particularly in such instances as the Palestinians and other liberation movements.

Finally, it should be noted that the peculiar political position of refugees does not necessarily end with their resettlement. In the host country, refugees tend to be lumped with other marginalized groups in the population. This, however, is not strictly accurate. More than other kinds of immigrants, refugees are not merely a special kind of citizen of the state; they are also members of another polity, even though it may no longer exist except in the minds and consciousness of those who were forced to leave it. In other instances, however, the feeling of citizenship in the former state may be quite vivid, and the refugees may retain a clear sense of dual membership. They may be active in parallel sets of political organizations, with the primacy of old and new citizenship varying in different individuals or even in the same individual at different times. The idea of returning home may be the central political thought, with all other identities subordinate to it. Political activity on behalf of the original home may be either open or clandestine, depending on the state of relations between the state of origin and the host country. The nature of this political consciousness will determine the social behavior of the refugees.

In Austria, for example, the refugees from Indochina do not, as a rule, harbor any thoughts of returning. Their effort to integrate themselves successfully into the community is quite different from that of the Chileans, who firmly intend to return home when politically possible and, therefore, resist the "Austrianization" of their children by trying to keep them out of public schools, not wishing them to learn German, etc. At the same time, the Indochinese refugees, at least of the first generation, have as their social-reference group not Austria and the Austrians, but their fellow Indochinese. This may also be true of many first-generation immigrants, but in the case of refugees the sense of cultural nationhood transcending geographic boundaries has a different connotation. Immigrants may experience such a sense in relation to the "old country," but refugees experience it toward their fellow refugees everywhere. Thus, the Indochinese refugees in western Europe maintain a highly efficient network of communication by which they re-

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main informed of the treatment of their countryfellows in other countries, the opportunities another country may offer, the whereabouts of friends and relatives, etc. In this sense their political consciousness corresponds to the definition of a refugee in ancient Greece: more than a stranger, less than a citizen.[26]

[26] Elmer Balogh, *Political Refugees in Ancient Greece* (Johannesburg: Witwatersrand Press, 1943), 95.

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British Civil Liberties and the Law

DAVID G. SMITH

The British have a distinctive and enviable tradition of civil liberties. Yet civil liberties in Britain are threatened today, especially by many of the developments associated with modernity. The threat to liberty is insidious: it comes more from a failure to adapt to changing conditions than from deliberate infractions of rights. Nevertheless, the gap between aspiration and reality grows. In this article, I shall seek to explain why the traditional approach has proven difficult to adapt to the continued protection of civil liberties and comment upon some proposed remedies.

An Overview

Formulating a general view of British civil liberties and their protection is not easy. One difficulty is the reticence of the British themselves about this topic. Texts on constitutional law, for instance, may or may not mention civil liberties. If they do so, any comprehensive statement is likely to be restricted to affirming and illustrating the proposition that, in Britain, civil liberties are "residual"—that is, people may do whatever is not prohibited by the law.[1] Even standard works on civil liber-

[1] E.C.S. Wade and G. Godfrey Phillips, *Constitutional and Administrative Law* (London: Longmans, 1977), 441: "The approach of the law in Britain to the citizen's liberty has often been to treat it as a residual concept: the citizen may go where he pleases, or do or say what he pleases, provided that he does not commit a criminal offense or infringe the rights of others." O. Hood Phillips and Paul Jackson, *Constitutional and Administrative Law* (London: Sweet and Maxwell, 1978); F. H. Lawson and D. J. Bentley, *Constitutional and Administrative Law* (London: Butterworth, 1961); S. A. de Smith, *Constitutional and Administrative Law* (Harmondsworth, England: Penguin, 1971): Geoffrey Mar-

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ties avoid general discussion and stick to the examination of particular topics, such as freedom of speech, arrests, and interrogations.[2] What general discussion does occur is likely to be fragmentary and incidental to another purpose, such as commentary on A.V. Dicey's treatise on constitutionalism, the vindication of Britain's position in relation to the European Court of Human Rights, or proposals that Britain should adopt a bill of rights.[3]

One reason for this reticence may be that the British do not themselves agree about what civil liberties are, which ones they possess, or which among them take priority. A glance at the chapter headings of some well-known works on civil liberties illustrates this point. After the obvious topics such as free speech and police powers of arrest, the headings begin to differ: as to whether the appropriate concept is "right to demonstrate" or "public order"; and whether civil liberties include a "right to work," welfare benefits, gay rights, and so forth.[4] Underlying this disagreement about which concepts to include and their limits are deeper ideological differences following the divisions of opinion among the major political parties. Britain has not one legitimate tradition of civil liberties, but three—each articulate and coherent, each anchored in partisan ideology, and each in basic disagreement with the other two about the existence of particular rights and their rationale.[5] Moreover, these differences are particularly important in areas of adaptation, where new rights or liberties are sought.

People disagree not only over the substance of civil liberties but about how they are best to be defended—whether by means of political protest and social pressure or through the courts and administrative procedures.[6] Differences here also follow party lines. Labour relies more on collective power and political processes; Con-

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shall, *Constitutional Theory* (Oxford: Oxford University Press, 1971); T. C. Hartley and J. A. G. Griffith, *Government and Law: An Introduction to the Working of the Constitution in Britain* (London: Weidenfeld and Nicolson, 1975). See also Griffith's statement on the "diminishing residues" of liberty in modern British society, "The Democratic Process", in Peter Wallington, ed., *Civil Liberties—1984* (Oxford: Martin Robertson, 1984).

[2] Harry Street, *Freedom, the Individual and the Law*, 5th ed. (Harmondsworth, England: Penguin, 1982); I. N. Stevens and D. C. M. Yardley, *The Protection of Liberty* (Oxford: Basil Blackwell, 1982); Patricia Hewitt, *The Abuse of Power—Civil Liberties in the United Kingdom* (Oxford: Martin Robinson, 1982); S. H. Bailey, D. J. Harris, and B. L. Jones, *Civil Liberties—Cases and Materials* (London: Butterworth, 1980).

[3] E. C. S. Wade's introduction to A. V. Dicey, *Introduction to the Study of the Law of the Constitution* (London: Macmillan, 1959); T. C. Daintith, "The Protection of Human Rights in the United Kingdom," *Revue des Droits de l'Homme* 1 (1968): 275, 407; Michael Zander, *A Bill of Rights?* (London: Barry Rose, 1975).

[4] See note 2; also, Wallington, *Civil Liberties*; Anna Coote and Larry Grant, *Civil Liberty: The N.C.C.L. Guide*, 3d ed. (Harmondsworth, England: Penguin, 1979).

[5] Griffith, "Democratic Process," 87–91.

[6] Griffith, "The Political Constitution," *Modern Law Review* 2 (1979): 1; Harry Street, *The State of Civil Liberties Today* (Manchester: John Rylands University Library, 1978); Brian Abel-Smith and Robert Stevens, *Lawyers and the Courts: Sociological Study of the English Legal System, 1750–1965* (London: Heinemann, 1967). For opposing views, see Peter Wallington and Jeremy McBride, *Civil Liberties and a Bill of Rights* (London: Cobden Trust, 1976).

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servatives turn to the courts; and Liberals and Social Democrats hope for a bill of rights, the creation of new rights by legislation, or a revival of liberal jurisprudence.

Differences over both the substance of civil liberties and the methods for protecting them reinforce each other, further confounding the defense of liberty. Liberty requires the restraint of power—whether by law or by countervailing power. But the political method of checking power with power—for instance, picketing in protest against an infringement of liberty—invites illegality and excess in turn.[7] Not only does such a situation raise a hot issue of who are truly the defenders of liberty and the Constitution, but both sides can argue plausibly that they are the true ones because, on the one hand, liberty requires power for its defense and because, on the other, civil disorder undermines the rule of law. Given a class-divided society and an unwritten constitution, this tension or antinomy seems inescapable. It is also the despair of those who would like to see the emergence of a civil liberties jurisprudence and neutral principles that could win a broad consensus.

A general statement about British civil liberties and how they are or are not preserved must, therefore, be understood as something of an artifice, necessarily compounded by inference and extrapolation from fragmentary and often contrary accounts given by British writers who, perhaps wisely, eschew this sort of exercise.[8] Nevertheless, it seems possible to make a reasonably coherent statement of generally understood fundamentals.

Such a statement should begin with the constitutional charters—insofar as their provisions have been acknowledged by Parliament and the courts—and with the common law liberties and privileges of British subjects. Under this heading are included such charter-derived rights as that of petition or the writ of habeas corpus. Especially important is the common law governing police powers of arrest, search and seizure, and criminal prosecution as well as rights of assembly and demonstration, free speech and expression. The administrative law remedies, natural justice,[9] and a number of judicially created doctrines and procedures for controlling administration are also part of this common law heritage. Many of the common law protections have been given statutory recognition or have been modified by statute as, for example, by the series of statutes dealing with arrestable offenses and powers of search and seizure. But the common law rights usually coexist with statutory provisions and grow or decay independently in accordance with judicial decision: for instance, in areas such as employment and civil service rights; arrest and detention; picketing and demonstration; defamation and contempts.

[7] In Britain there is strong incentive to take vigorous group action, because the courts are generally viewed as conservative. By spreading and intensifying conflict, issues quickly become too "political" for the courts.

[8] Griffith, "Democratic Process," 88.

[9] "Natural justice" as a term of art in contemporary British law means, roughly, the right to a fair hearing. It has an important role in administrative law.

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Second, comes the rule of law, with the important and peculiarly British emphasis that it receives. Though this concept is variously formulated, usually following Dicey closely, as applied to civil liberties the rule of law comes pretty much to the principle of strict legality, especially where the liberty of the citizen is involved.[10] People are presumed free to do as they please, so long as they do not commit a crime or infringe the rights of others. The creation of criminal offenses by extensions of administrative or common law is disfavored. Laws themselves, and especially those dealing with the liberty or property of citizens, should be clear, general, and prospective. And officials, like citizens, are themselves at risk when acting "without the law": they are personally answerable in damages or in the criminal courts.

Stated in this bare form, the rule of law or strict legality does not sound like much. Yet it is central to the spirit and practice of British civil liberties. For it contains two vital presumptions: one in favor of liberty; and the other against official interference. These presumptions are not necessarily legal in nature; yet they are more than abstractly moral. Either the citizen or the judge can make much or little of them. And they invite either to vindicate civil liberty by an exercise of moral courage: the judge by stretching a presumption and seeking to carry his brethren with him; the citizen by challenging authority and hoping that the law will uphold him and not the official.

From this peculiarly British approach to civil liberties come some of the most amiable, the most poignant, and the most egregious expressions of liberty. There is the sport between constable and citizen over who has got it right about the powers of arrest or the obstruction of a police officer.[11] More serious is the lonely ordeal of a young lawyer or civil servant risking a career to test contempt powers or the reach of the Official Secrets Act.[12] Most flagrant is the British practice of mass picketing and violent demonstrations, in open defiance of the laws and yet claiming a higher justification.[13] Each of these expressions, from the gentle and whimsical dialectic of law and liberty that instructs and mollifies to the consensus-shredding hooliganism of the National Union of Mineworkers (N.U.M.) or National Front

[10] Dicey's formulation is worth quoting more fully, especially for its evocative quality. He set forth three principles: that "no man is punishable or can be lawfully made to suffer in body or goods except for a distinct breach of law established before the ordinary courts of the land"; "no man is above the law" but every official, "from the Prime Minister down to the constable or a collector of taxes, is under the same responsibility for every act done without legal justification as any other citizen" and "may be brought before the court and made to suffer in his personal capacity . . . "; that the general principles of the Constitution "are the result of judicial decisions determining the rights of private persons in particular cases brought before the courts . . . . " Although he subscribed to a "residual" concept of liberty, Dicey also enunciated other doctrines relating to the rule of law that favored civil liberties, especially strict interpretation of penal law and a presumption against a previous restraint upon publication or assembly. A. V. Dicey, *Introduction to Study of Law*, 188–195.

[11] *Gelberg v. Miller* [1961] 1 W. L. R. 158; *Reg. v. Brown* [1976] 64 Cr. App. Rep. 231.

[12] *Home Office v. Harman* [1982] 1 All E. R. 532; *Secretary of State for Defense v. Guardian Newspapers* [1984] 3 W.L.R. 986.

[13] An excellent survey of the topic can be found in Patricia Hewitt, *Abuse of Power*, chap. 5 esp.

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thugs, is part of the same tradition and intrinsically bound up in this uniquely British approach.

So closely related to the rule of law as to be almost an extension of it are the presumptions that courts apply in the interpretation of statutes.[14] Some of the most important of these are:

- Criminal statutes are to be interpreted strictly.
- Normally, criminal offenses require *mens rea* (criminal intent).
- A statute will not normally be interpreted to have retrospective effect.
- Statutes do not alter the common law further or otherwise than expressly declared.
- Existing or vested rights are not taken away, without compensation, except by express declaration.
- The imposition of a tax requires clear and unambiguous language.
- Bylaws must be certain and reasonable.
- Parliament is presumed not to intend to oust the jurisdiction of the courts.

One should not read too much or too little into these presumptions. British judges almost always follow the express language of statutes, so that such presumptions are important only in cases of genuine doubt or a serious departure from accepted principles. At the same time, they are of special importance in administrative and local government law and here provide powerful support to the rule of law. For these areas often involve novel administrative powers and legal concepts and have been traditionally provinces in which judicial supervision was viewed as appropriate. Little imagination is required to suggest what activist judges could do, for example, with a presumption in favor of just compensation, a requirement that tax provisions be expressed clearly and unambiguously, or one that municipal and administrative laws be certain and reasonable.

An important point about the role of British judges is that they act negatively; they curb arbitrary and unlawful abuses of power rather than positively develop new legal rights, except where these have an antecedent foundation in the common law. There have been periods of great and sustained judicial creativity. In the nineteenth century the Victorian judges did much to restrict penal statutes and police powers. In the twentieth century the courts created an effective administrative law. But such developments do not produce a growing body of civil liberties except where such rights are based upon interests grounded in the common law and gain thereby a derivative impulse and principle of growth.

The common law liberties of Englishmen and the rule of law are, of course, only the juridicial foundation for liberty. Beyond these, the British rely upon a number of well-established traditions, many of them regarded as of constitutional importance, that pertain to the use and abuse of power and that protect liberty. One of the oldest of these is the independence and nonpartisan character of the

[14] S. C. C. Edgar, *Craies on Statute Law* (London: Sweet and Maxwell, 1971); Michael Zander, *The Law Making Process* (London: Weidenfeld and Nicolson, 1980).

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judiciary.[15] Of great constitutional importance is the professional status of the police and the fact that they do not carry arms. Less obvious are devices to check prosecutorial zeal, such as the role of the attorney-general in political crimes and the freedom of the jury to acquit, even perversely and against the law.[16]

Parliamentary solicitude for civil liberties, despite that body's ultimate sovereignty, is also of central importance. Thus, Parliament has for many years used nonpartisan royal commissions and commissions of inquiry to investigate allegations of serious or widespread abuse of individual rights. The parliamentary question and the individual backbenchers play special roles with respect to civil liberties.[17] Law reform commissions and select committees are sometimes attentive to civil liberties issues. And the Council on Tribunals and various ombudsmen supervise the administrative tribunals and the ministries, hear complaints of administrative abuse, and lay reports before Parliament.[18] Even the House of Lords, a weak second chamber with the merest of suspensive vetoes, is acknowledged to have a constitutional importance in matters of civil liberties, providing a forum for deliberation and occasionally forcing Parliament to revise legislation to comply with constitutional tradition.[19]

In the hurly-burly of politics, liberties are often most effectively defended by corporate pluralism.[20] Especially prominent in British politics are many historic and powerful corporate bodies, conscious of their privileges and their constitutional place—universities, churches, professional associations, trade unions, the civil service, and municipalities. Since Britain lacks a bill of rights or a comprehensive array of legally enforceable civil liberties, such groups often provide the only effective defense for the rights of an individual person—be that person an industrial worker, teacher, or welfare recipient. With powerful political majorities and absent an underlying consensus on civil liberties, these groups also provide the organizational muscle to check power, public or private. So both the liberty of the individual and a constitutional balance of power are bound up with their corporate power.

Strict legality and the countervailing power of corporate pluralism act to limit

[15] There is, of course, much argument about how independent and nonpolitical the judiciary is in fact. All meant here is that independence and impartiality are ideals that are sufficiently realized in practice to have an important impact on civil liberties. On this topic, generally, see J. A. G. Griffith, *The Politics of the Judiciary*, 2d ed. (London: Fontana, 1981).

[16] Patrick Devlin, *Trial by Jury*, 2d ed. (London: Stevens and Sons, 1966) and *The Judge* (Oxford: Oxford University Press, 1981), chap 5.

[17] On the role of Parliament generally, see Ian Budge et al., *The New British Political System: Government and Society in the 1980's* (New York: Longman, 1983); Geoffrey Smith and Nelson W. Polsby, *British Government and its Discontents* (New York: Basic Books, 1981).

[18] Paul Craig, *Administrative Law* (London: Sweet and Maxwell, 1983), chap. 2, 79ff.

[19] Sir Charles Gordon, ed., *Erskine May's Treatise on the Law, Privileges, Proceedings, and Usages of Parliament*, 20th ed., (London: Butterworth, 1983); Anthony H. Birch, *The British System of Government* (London: George Allen and Unwin, 1980), esp. chap. 4.

[20] By "corporate pluralism" is meant both corporate privilege and power and the contribution these make to maintaining a rough balance of power between major groups.

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official power and "the Establishment." Separately and together they provide partial and provisional checks on power: the common law liberty of an individual versus the power of arrest; a jury refusing to convict; or a city defying parliamentary limits on rates. From their agency derives much of the peculiarly contingent quality of British civil liberties. These liberties must be actively and continually defended. Their preservation depends upon the civil courage of individuals and the willingness of organizations to spend resources. A glory of British history is the readiness with which this struggle has been joined in the repeated vindication of British liberty. Yet one point should not be lost: that these two elements, strict legality and corporate pluralism, are potentially at odds.[21] For one is individualistic and the other corporate. One is legalistic and the other political. A danger, especially in a world of organizational power, is that individual liberty and moderation will be shoved aside by the urgencies and the passions of the group struggle.[22] Another such danger is that liberty itself will become increasingly subject to contention, leading its supporters to quarrel among themselves and grow dubious and pessimistic.

Viewed in the large and historically, British civil liberties are strongly protected. Most notably, the British tradition enlists the citizens actively in the defense of liberty, relying, as it does, on individual and corporate actions. It also depends upon and reinforces civic virtues of moderation and fair play. Not least, it has proven effective in protecting inherited liberties and capable of adaptation to accommodate new ones. Civil liberties in Britain are, nevertheless, more at risk and more weakly defended than is generally supposed. This is so because of an institutional lag, a failure to adapt the techniques of liberty either to the challenges of modern organization or to emerging interests for which protection is sought.

Failures to Adapt

Liberty has traditionally flourished in Britain because strong government was restrained by strict observance of the common law rights of the subject and by a vigorous corporate pluralism. With present day requisites of government and administration, my argument is, the traditional approach has proven increasingly inadequate. Moreover, the adaptation of legal institutions has lagged behind need, so that civil liberties have suffered. A consequence has been added reliance upon corporate pluralism, making libertarian issues increasingly political and producing in turn disagreement about the substantive and procedural norms most deserving of protection.

Strong government and ample prerogative are the natural result of a turbulent British history of foreign wars, colonialism, and domestic class struggle. A coun-

[21] Note the pertinence, in this connection, of Montesquieu's distinction between "liberty in relation to the Constitution" and "liberty in relation to the subject."

[22] Anthony Lester, *Democracy and Individual Rights* (London: Fabian Trust, 1968); Griffith, "Democratic Process."

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terpart of strong central government is protectiveness of its institutions. Probably no other western democracy has accumulated over time such an awesome array of powers designed to assure the integrity of government and to prevent or suppress civil disorder. These include seemingly quaint common law offenses such as riot and affray, conspiracy to commit a public nuisance, and blasphemous libel, all of which are still occasionally prosecuted today. Important protective statutes and other powers include the Official Secrets Acts (three of them); the Public Records Act; the D-Notice system for censorship of the press; laws against inciting the police or the armed forces to disaffection; Emergency Powers Acts and acts for the prevention of terrorism. Beyond statute, the government and police have extensive administrative powers of surveillance and investigation.[23]

These statutes and provisions are both a blatant denial of liberty and an insidious threat to it. They restrict civil liberties not only where security is threatened but also by excluding large categories of people from the ordinary protections of the law: most notably aliens, those living in Northern Ireland, civil servants, the police, and the army. When such powers are invoked, normal presumptions do not apply: security statutes are written and interpreted broadly;[24] burdens of proof reversed;[25] subjective tests sanctioned;[26] and procedural protections modified.[27] And the threat to liberty is dangerously insidious, because encroachments in this area are seen as putatively legitimate and because, with modern administration, there is usually a good argument for extending the protective mantle of government security.

The danger posed by these powers is not that they are frequently invoked or even, primarily, in the chilling effect they have on liberty. Indeed, they are seldom invoked because they are likely to occasion a political uproar, create martyrs, and may prove unenforceable.[28] Nor do they stop people protesting, civil servants leaking information, or editors publishing at their peril.

[23] Tony Bunyan, *The Political Police in Britain* (London: Julian Friedmann, 1976). The Official Secrets Acts of 1911, 1920, and 1939 establish criminal penalties for broadly defined offenses against governmental secrecy. The Public Records Act of 1967 imposes a ban of thirty years on the inspection of many government documents, in striking contrast, for instance, to the U.S. Freedom of Information Act. D-Notices began in 1912 and are memos from the "Services, Press, and Broadcasting Committee" of the Ministry of Defense "advising" the press that certain matters of state are sensitive. There have been a number of emergency powers acts, conferring upon civil and military authorities special powers to deal with wartime conditions, domestic unrest, and actual or threatened violence in Ireland.

[24] Especially the Official Secrets Acts; the Emergency Powers Acts of 1920 and 1964; the Public Order Act; the Prevention of Terrorism (Temporary Provisions) Act; and the Special Legislation for Northern Ireland.

[25] For instance, under the Official Secrets Acts; or the "public interest" defense in breach of confidence.

[26] For example, in defining a "security" risk for purposes of surveillance, "positive vetting," or deportation.

[27] Such as suspension of jury trial in Northern Ireland and the near extinction of habeas corpus as a remedy for improper deportations.

[28] Prosecutions under the Official Secrets Acts are not only unpopular but may give undesirable publicity to matters the government would prefer to keep quiet, as in the Sarah Tisdall case. Similarly,

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One matter for concern is that the authoritarian concepts embodied in statute or common law neither die nor fade away but remain forever to be used against an obnoxious miscreant or in a later period of political reaction or crisis. Britain has, like other countries, its periods of liberalism and conservatism. But English common law, unlike Roman law, lacks a principle of desuetude to kill off such ancient powers. Nor does it have, as American constitutional jurisprudence does, notions of equal protection and of "void for vagueness" that would tend to prune or weed out some of this growth.[29] Moreover, both of the major parties, whatever they might have said in opposition, have found it politic to retain and even extend the repressive powers of government.

The individual suffers under such a regime, for he never knows whether some antique and repressive prohibition is truly dead or whether it will be revived and used against him.[30] And lacking a legal protection, the defense of civil liberties rests more heavily upon the civil courage of defiant individuals and the organizational power of corporate bodies. Even if the chilling effect created by the use of such powers is slight, they can contribute to inflamed political controversy and further weaken the consensus on civil liberty.

The case of Sarah Tisdall helps to illustrate several of these points. She was a foreign service clerk of upper middle-class background who felt impelled by conscience to leak information to *The Guardian* about the delivery of cruise missiles to the Greenham Common air force base. She was prosecuted under Section 2 of the Official Secrets Act, a particularly offensive judicial blunderbuss that made it a crime to give such information to "unauthorized persons." Since the only clear harm to the government was red-faced embarrassment, her prosecution was widely questioned. But her imprisonment for six months served notice that other conscientious offenders against the Official Secrets Act could expect to serve some "hard time." Tisdall was immediately proclaimed a martyr to the cause of civil liberties by the Young Liberals and civil libertarians. Whether this step helped the civil liberties cause or further confused and inflamed the issue is debatable.[31]

Given the British tradition of strong government and lack of a preferred position for civil liberties, a threat posed by such protective powers is that they invite

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the government is reluctant to proceed under the Prevention of Terrorism legislation because of the opportunity that a prosecution affords to make terrorism an issue in the trial and because of the adverse consequences that a jury acquittal might have.

[29] M. R. Kadish and S. H. Kadish, *Discretion to Disobey: A Study of Lawful Departure from Legal Rules* (Stanford, Calif.: Stanford University Press, 1973).

[30] Barry Cox, *Civil Liberties in Britain* (Harmondsworth, England: Penguin, 1975), 19.

[31] *The Times*, 7 April 1984; and Bernard Levin's comments in *The Times*, 13 July 1984. The Clive Ponting cases should be mentioned as a counterexample. Ponting, a civil servant in the Ministry of Defense, gave information to a Labour Party member of Parliament about the sinking of the Argentine cruiser Belgrano in the Falklands war. He was indicted under section 2 of the Official Secrets Act. But in this case the government had, arguably, deceived Parliament, and Ponting pleaded as a defense "interests of the state" and that he had a duty to Parliament. The jury acquitted him. *New York Times*, 12 February 1985.

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their own extension. Governments, civil service, and police departments particularly dislike embarrassment. In Britain, it is both tempting and easy to extend the concept of a security threat to include political embarrassment: for the attorney-general to prosecute Sarh Tisdall under the Official Secrets Act;[32] or for the home secretary to deport Mark Hosenball, a troublesome American journalist, under the Home Office's special powers over immigration.[33] And authorities find an expedient that works for one situation and apply it to similar ones. Thus, police powers created by the Special Legislation for Northern Ireland find their way to England in the Prevention of Terrorism Acts and eventually into the Police and Criminal Evidence Act of 1984. In these situations, the government itself works against civil liberty—by resorting to special statutes or procedures, avoiding the ordinary penal provisions or the regular courts, and by extending the principles or practices sanctioned by these extraordinary laws to the populace as a whole.

Prosecution under such special protective acts are fortunately rare and do not greatly affect the daily enforcement of the law. The regular police procedures are another matter, for these affect the bulk of the citizenry day in and day out. And change in this area, especially the extension of police powers of arrest, searches and seizures, and detention affords a particularly striking example of the failure to adapt traditional methods of securing liberty to modern circumstances. Here, new kinds of crime and disorder, the imperatives of law enforcement, and British faith in police professionalism carried the day against more traditional protections, with the victory marked by the new Police and Criminal Evidence Act of 1984.[34]

"Strict legality" has been the historic British approach to police powers. It entailed a restrictive interpretation of criminal statutes, the presumed unlawfulness of an imprisonment or deprivation of physical liberty, and treating the constable as a "citizen in uniform." However successful or unsuccessful these principles may have been in the nineteenth century,[35] they were individualistic in concept, conservative in spirit, and hard to adapt to changing circumstances. These limitations became increasingly important during the 1960s and 1970s.

The underlying difficulty was one of adapting traditional legal doctrine to a changing organization and technology of law enforcement. Most "new" crime is rather prosaic—ghetto delinquency; road traffic offenses; drug abuse; white-collar crime; and politically-inspired violence. But these do not fit the traditional, and usually individualistic, acts and responses represented by robbery or assault, citizen complaint, and apprehension by the police constable. These so-called new

[32] As in the Sarah Tisdall case. *The Times*, 10 April 1984.

[33] *Reg. v. Home Secretary, ex parte Hosenball* [1977] i W.L.R. 766.

[34] Robert Baldwin and Richard Kinsey, *Police Powers and Politics* (London: Quartet Books, 1982), esp. chaps. 6, 7; Hewitt, *Abuse of Power*; Louise Christian, *Policing by Coercion* (London: Greater London Council, 1983).

[35] Some argue that even in the nineteenth century, belief in their efficacy could be sustained only by ignoring the facts. See Cox, *Civil Liberties*.

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crimes put a premium upon preventive and investigatory powers—both of which alter the timing and the methods of police intervention.[36]

One mode of adaptation has been to supplement the common law powers of police with separate statutory authorizations for arrest, search, and seizure, with and without a warrant. Given the British preference for narrowly-drawn criminal statutes, the list of separate authorizations grew to great length and ridiculous specificity, including special powers to search persons and premises for birds' eggs and badgers. Estimates vary, but the Royal Commission on Criminal Procedure gave as "probably comprehensive" a list of over one hundred statutes authorizing arrest without warrant and as "not comprehensive" a similar list of more than sixty statutory provisions empowering the police to enter and search, with and without warrants.[37] One consequence was the development of a law of arrest and of search and seizure so complex as to be "barely comprehensible, even to the academic lawyers."[38] Another was a breakdown of the protection putatively afforded by strict legality"—both because the individual was ignorant of his rights and because the law, rather than confining the police, in fact allowed them vast discretion to pick the power relied upon.[39]

Modern policing puts special emphasis upon investigation, either to prevent crime or to identify offenders. This tendency in Britain stemmed in part from the changing nature of crime itself and in part from the technology and economics of police administration.[40] One consequence was to make the investigation of crime increasingly the work of detectives and separate it from ordinary police work, substantially vitiating the doctrine that policing was an activity of a visible and readily identifiable "citizen in uniform."[41] Another was to increase such activities as street stops for questioning and pat-down; road checks; entry and search of premises; and station-house detention for questioning. These serve both investigative and preventive functions. That the police often pushed to the limits of the law and broke it seems beyond doubt.[42] It is important to note that the nature of modern policing gave them increasing motive and justification for doing so.

[36] Baldwin and Kinsey, *Police Powers*, chaps. 2, 3.

[37] *Report of the Royal Commission on Criminal Procedure*, Cmnd. 8092 (London: Her Majesty's Stationery Office, 1981), apps. 4–6.

[38] Baldwin and Kinsey, Police Powers, 13.

[39] For instance, these quotes from interviews with P.C.s: "You can always rely on the public's ignorance of the law. I don't mean arresting for nothing . . . but you can always rely on them not knowing exactly . . . every situation, once you've got a bit of experience, you can manage. . . ." And another P.C.: "If its something really complicated—like a Rent Act or something—you'll say, 'I'm going to charge you under the Rent Act' and just make up some crappy charge meanwhile. You'll say 'Other charges will be preferred in place of this one.' So you charge the guy on the spot, come back to the station and either look it up yourself or ask the sergeant. If it's O.K. stick with that. If not, go back and see him. You can always charge them with something at the time." Ibid., 140–144.

[40] Ibid., chaps. 2, 3.

[41] Street, *Freedom, the Individual and the Law*, 37; *Report of the Royal Commission on Criminal Procedure*, 2; Baldwin and Kinsey, *Police Powers*, 166.

[42] *Report of the Royal Commission on Criminal Procedure*, 2.

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A striking aspect of this evolution was the readiness with which the courts accepted these practices rather than fashion new protections for liberty. In a series of decisions beginning in the late 1960s, the courts substantially weakened restraints upon the police with respect to grounds for arrest, detention after arrest, and searches and seizures.[43] In some instances this evolution represented a much-needed accommodation of legal doctrine to investigatory needs. For example, in the landmark case of *Ghani v. Jones* the problem was that no statute authorized a search warrant on suspicion of murder. There the court, needing to deal with this curious anomaly, held that such a grave crime justified a warrantless search, given reasonable grounds. On other occasions, the courts have simply accommodated doctrine to established police procedure. Here, the most striking example was the police procedure of arresting and detaining without charge in order to facilitate questioning. This practice was sometimes condemned by the courts but often winked at. Finally, in *Mohammed-Holgate v. Duke*, a case involving the questioning of a suspect detained for theft of some of her landlady's jewelry, the courts simply accepted the practice, noting its approval in the Royal Commission Report on Police and Criminal Evidence and its long-established employment by the police. However one may see this development—as a retreat from principle to expediency[44] or as an accommodation of legal doctrine to investigatory needs[45]—the point is that the judiciary acknowledged implicitly the inadequacies of its own traditional doctrine of strict legality as a way of controlling the police.

The Police and Criminal Evidence Act of 1984 completes this evolution. This legislation gives England for the first time a comprehensive statute governing police behavior in the investigation of crime and the apprehension, detention, and questioning of suspects. The law is, no doubt, necessary to bring a modicum of intelligibility and regularity to the present state of confusion and disorder. The legislation is also notable for features that parallel the Prevention of Terrorism Act, especially the extensive powers to search and to detain and hold incommunicado for questioning. Especially pertinent is the extent to which the legislation, in its underlying approach, accepts an *administrative* rationale of effective policing rather than a common law rationale of protecting the citizen and relies upon *administrative* rather than legal controls for checking abuses of police discretion.[46] It accepts and legitimates existing practices with respect to arrests, searches and seizures, and interrogation; and it relies upon prescribed administrative routine, a "custody officer," and a police complaints board for protection. Traditional legal controls, such as a narrow definition of police powers and the magistrates'

[43] See esp. *Hussien v. Chong Fook Kam* [1970] A.C. 942; *Dallison v. Caffery* 1 Q.B. 748; *Mohammed-Holgate v. Duke* [1983] 3 W.L.R. 589 (C.A.); *Chic Fashions (West Wales), Ltd. v. Jones* [1968] 2 Q.B. 693; *Ghani v. Jones* [1970] 1 Q.B. 693; *Reg. v. Sang* [1979] 2 All E.R. 1222.

[44] Baldwin and Kinsey, *Police Powers*, 168.

[45] Leonard H. Leigh, *Police Powers in England and Wales* (London: Butterworth, 1975), 31.

[46] Herbert Packer, *The Limits of the Criminal Sanction* (Stanford, Calif.: Stanford University Press, 1969).

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role of scrutiny are minimized. By creating a new legal base for police powers, the statute may actually curb existing abuses;[47] but whatever else it signifies, it represents a notable retreat in philosophy and a failure to preserve the liberties that British subjects thought they enjoyed.

Police procedures are one kind of state action that bears importantly on civil liberty, in part because of the many ways they touch the daily lives of citizens. Yet for most people the quality of everyday life is even more affected by the contemporary welfare state with its pervasive regulation, taxation, and bestowing and withholding of benefit. In this area, as with police powers, there has been a lag in adaptation and in modernizing legal doctrine.

From an American perspective, British discussion of civil liberties take little account of administrative law or of ways in which new rights that depend on administrative action are to be secured. The concept of "new property" in welfare entitlements, licenses, rights to contract with the government, etc., is generally recognized.[48] Some write also of a "new liberty," especially protection of the individual against intrusions of public or private organizations.[49] But these are usually discussed as separate topics without reference to civil liberty or mentioned incidentally by administrative lawyers in technical accounts of remedies. As a consequence, civil liberties in this area of concern lack overall assessment, and issues that are systemic are seen as specialized or eccentric.

An especially notable deficiency in Britain is the failure to give adequate legal expression and protection to new kinds of liberty and property. This deficiency results in part from the governing tradition, especially what Harry Street has called Whitehall's "muted insistence" on having its way.[50] Also important is the lack of adaptiveness of the common law and judicial institutions. This lack of adaptiveness is the more remarkable because English administrative law is an area in which great progress has been made over the last twenty years in modifying traditional remedies, curbing discretion, and strengthening procedural guarantees.[51] Partly with these developments as stimulus, a number of extralegal protections were established, including a Council on Tribunals and ombudsmen for administration, the National Health Service, and local government.[52] But these developments, crea-

[47] The argument being that police might adhere to a "workable" law but make little attempt to conform to the present congeries of statutes and common law powers. Street, *Freedom, the Individual and the Law*, 37. For a dissenting view, see Baldwin and Kinsey, *Police Powers*, chap. 6.

[48] Craig, *Administrative Law*, 272–3; Charles Reich, "The New Property," *Yale Law Journal* 73 (1964): 773; Reich, "The Law of the Planned Society," *Yale Law Journal* 75 (1966): 1227.

[49] Lord Denning, *Restraining the Misuse of Power* (Birmingham: Birmingham University, 1978), *The Discipline of the Law* (London: Butterworths, 1979), and *Freedom Under the Law* (London: Stevens, 1949); Sir Leslie Scarman, *English Law: The New Dimension* (London: Stevens and Sons, 1974).

[50] Street, *Freedom, the Individual and the Law*, 307.

[51] Louis L. Jaffe, *English and American Judges as Lawmakers* (London: Oxford University Press, 1969); Bernard Schwartz and H. W. R. Wade, *Legal Control of Government—Administrative Law in Britain and the United States* (Oxford: Clarendon, 1972); H. W. R. Wade, *Administrative Law*, 5th ed. (Oxford: Clarendon, 1982).

[52] David Foulkes, *Administrative Law*, 5th ed. (London: Butterworth, 1982).

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tive though they were, are effective as protections for civil liberties primarily where the substantive right is established and clear, either in statute or in the common law. Less effectively protected are newer forms of liberty and property that exist at the growing edges of law or administration and represent not so much established rights as developing interests and aspirations.

It should occasion no surprise that the kind of new property and new liberty that receives protection differs significantly from that which does not. Thus, administrative law and procedure have been adapted to protect elements of property and liberty in licenses; club memberships; the 'right to work,' especially when threatened by closed shops; inland revenue investigations and the interpretation of taxing statutes; and procedures in local planning appeals and compulsory purchase. Just as notable, on the other side, has been the failure to develop similar protections in the fields of supplemental benefits; student grants; entitlements to housing; government employment; and the exclusion or extradition of immigrants.[53]

It would be tempting to ascribe this one-sided development of the law to conservative ideology on the part of the judges. But such an ascription, though deserved in some measure, would be incomplete and simplistic, for more is at work. In fact, judges *have* sought to extend legal protection into some of the more contentious areas, such as supplemental benefits, housing, and the rights of prisoners. They have been deterred by the absence of a strong basis of legal doctrine upon which to build, which comes back largely to the conservatism of the common law and its emphasis upon vested or established rights, especially of property. Also important is the persistence in British administrative law of a strong right-privilege distinction. The courts have been further deterred by the resistance of the administration and cabinet ministries and by a widespread British sentiment, especially on the left, which says that such decisions are for the civil servants, the lay tribunals,[54] or the Parliament, and not for the courts – in other words, by a divided tradition with respect to civil liberties.

Britain has a particularly strong right-privilege doctrine, going back to the importance of crown prerogative. This doctrine especially inhibits any extensive development of new property or new liberty in areas where the national interest is

[53] A similar statement appears in Griffith, *Politics of the Judiciary*, 206ff. The best example of this dualism in British administrative law is Lord Denning, perhaps the greatest and certainly the most activist of modern English jurists. He pioneered boldly in giving legal protection to licenses, memberships, and the "right to work." Just as decisively, he refused to expand administrative entitlements, tenants' rights, and protections for immigrants. His decisions illustrate why many on the political Left distrust activist judges.

[54] In Britain, a modest litigation campaign developed over supplemental welfare benefits. This campaign was quickly shut down, Lord Denning saying that the courts ought not to interfere with the lay tribunals (the Supplementary Benefits Appeals Tribunals) unless their decisions were clearly unreasonable or unlawful. So much for welfare entitlements. Especially disarming for civil libertarians and the Left was Denning's use of judicial self-restraint in the cause of social conservatism. *Reg. v. Preston S.B.A.T. ex parte Moore; Reg. v. Sheffield S.B.A.T. ex parte Shine* [1975] 1. W.L.R. 624; Carol Harlow and Richard Rawlings, *Law and Administration* (London: Weidenfeld and Nicholson, 1984), chaps. 18, 19.

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important. One such area is civil service employment, notable for the paucity of procedural protections that apply to "positive vetting" or discharges on loyalty-security grounds.[55] Another such area is immigration, affecting millions of people. Over the past twenty years, the British have gradually restricted freedom of movement and settlement, especially for nonwhite immigrants from the "New Commonwealth."[56] Not only is the legislation racist,[57] it is administered harshly with respect to any people not clearly within the protection of the law—illegal immigrants, those having "recourse to public funds," and spouses and children.[58] Applying the strict right-privilege distinction, moreover, such persons can be denied entry or deported with minimal formality and scant recourse or appeal to the courts, even for a writ of habeas corpus.[59]

A factor that militates against the development of stronger legal protections is the ineffectiveness of law suits as a means of controlling administration. Suing in Britain is expensive and test cases difficult to bring. Furthermore, even with a good cause of action, the civil service is likely to be uncooperative: granting the particular award to moot the case; proceeding as before despite a court decision; or going to Parliament for a quick amendment.[60] The natural consequence is to discourage resort to the courts and to foster reliance upon administrative appeals, the ombudsman, or the member of Parliament. In strict theory, these expedients may be more democratic. But they serve largely to redress the individual injustice, leaving the general process as before. They do not develop doctrines or procedures to strengthen civil liberties systemically.

Mindful of these deficiencies in the legal process, the British attempted an experiment in regulatory jurisprudence in the special areas of racial and sexual discrimination. Substantive legislation prohibits discrimination in employment, education, and the provision of "goods, facilities, services, and premises."[61] Deliberately borrowing from American legal concepts and administrative practices, the several statutes define kinds of discrimination, set up a Commission for Racial Equality and an Equal Opportunities Commission, provide for individual and collective remedies and for intervention by the Central Arbitration Committee or a commission in appropriate circumstances.

By and large, the experiment has been a failure. Seen by some as more evidence against the "quango"[62] (acronym for "quasi-autonomous nongovernmental orga-

[55] Bunyan, *Political Police in Britain*, 183–5.

[56] J. M. Evans, *Immigration Law*, 2d ed. (London: Sweet and Maxwell, 1983).

[57] Cox, *Civil Liberties*, 128.

[58] Lawrence Grant and Ian Martin, *Immigration Law and Practice* (London: The Cobden Trust, 1982), 357–361; Chapeltown Citizens Advisory Bureau, *Immigrants and the Welfare State* (London: National Association of Citizens Advice Bureaus, 1983).

[59] Christopher Newdick, "Immigrants and the Decline of Habeas Corpus," *Public Law* 25(1980): 89.

[60] Carol Harlow, "Administrative Reaction to Judicial Review," *Public Law* 21(1976): 116; Tony Prosser, *Test Cases for the Poor* (London: Child Poverty Action Group, 1983), esp. chap. 4.

[61] The major statutes are the Race Relations Act of 1976, which superseded earlier acts of 1965 and 1968; the Equal Pay Act of 1970; and the Sex Discrimination Act of 1975.

[62] Anna Coote, "Equality and the Curse of the Quango," *New Statesman*, 1 December 1978, 734.

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nization") and by others as the natural rejection of a "transatlantic transplant,"[63] the regulatory scheme was generally acknowledged to be too weak and restrictive to produce much effect.[64] It especially lacked provisions for strong initiative by the commissions or vigorous enforcement. Not surprisingly, the most successful actions have been in employment, using such traditional methods as private law suits and arbitration and conciliation between employer and trade union.

As with most attempts at regulation, a number of factors were at work: the reluctance of individuals to complain; a lack of information and data; employer resistance and trade union indifference; broadness and vagueness of mandate; politics on the commissions and disagreements about priorities.[65] But enforcement is the muscle of regulatory legislation. And the present enforcement provisions fall notably short of the American prototypes or of present European Economic Community (EEC) requirements. Definitions of discrimination and burdens of proof favor the employer. There is little provision for legal aid and no class action; no punitive damages or affirmative action; limited powers of investigation; and ample opportunity to challenge enforcement action in the courts or quash a nondiscrimination notice. No doubt the legislation will be further amended, especially if a Labour government should come to power. But the examples of sexual and racial discrimination indicate the difficulties that confront an attempt to adapt British institutions—political or legal—to the regulatory mode and, in consequence, the danger of a growing gap between expectation and effective fulfillment in this important area of civil liberties.

Another area for special examination—after police powers and administrative entitlements—is political speech. Not only is this topic central to political liberty, it illustrates yet another failure of adaptation in Britain. Here, inadequate protection of an interest in political speech and, subsidiarily, of rights to investigate, communicate, and agitate have meant that free speech, well protected in the abstract, often cannot be effectively exercised. To be sure, there is plenty of political dissent in Britain; and people and groups organize, publish, and demonstrate vigorously and freely. But the effective exercise of speech is harder to achieve and depends marginally less upon the law and more upon group power and individual acts of civil courage.

In Britain, political speech enjoys no special protection as such.[66] It is simply

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"Quango" carries much of the negative connotation that "headless fourth branch" once did in the United States.

[63] Lawrence Lustgarten, *Legal Control of Racial Discrimination* (London: Macmillan, 1980), 27.

[64] Ibid; also Geoffrey Bindman, "Amending the Race Relations Act," *Law Society's Gazette* 80 (1982): 2349; P. L. Davies, "The Central Arbitration Committee and Equal Pay," *Current Legal Problems* 37 (1984): 165; Christopher McCrudden, "Implementation of the Sex Discrimination and Equal Pay Acts," unpublished, 1978.

[65] Ibid.

[66] Alan Boyle argues that freedom of expression does enjoy special protection as a "public interest" that gets taken into account in limiting other interests such as security or confidentiality. Many of the persuasive instances cited, though, are from the *dicta* or dissenting opinions of Lord Denning,

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another interest, what is left of speech "after the law has had its say."[67] Given an emphasis upon governing and the maintenance of order and the conservative, individualistic tendencies of the common law, free speech can come out badly in a weighing of interests. In Britain it has—through a continuing protection of interests such as official secrecy, the prerogatives of the courts, confidentiality of information and property rights, on the one hand, and a corresponding failure to develop and express an interest in political speech, on the other.

The attitude of the courts toward the Official Secrets Acts, as expressed in two recent cases, is both illustrative and important. One dealt with a journalistic investigation of the monitoring of international radio communications by the British Signal Corps.[68] The courts affirmed earlier interpretations of the Acts to include almost any degree of involvement in an unauthorized communication, whether secret or not. The second was the Tisdall case, already mentioned, in which the courts upheld a prison sentence for a civil service "mole" who leaked information about the arrival date of cruise missiles, even though the information was more of an embarrassment to the government than a security threat.[69] Fortunately, prosecutions under the Official Secrets Acts are rare, partly because they are so unpopular. Yet the significance of these precedents should not be underestimated. For by these two prosecutions the government and the courts have indicated their willingness to maintain this *in terroram* mechanism in its full scope and vagueness. In addition, the Acts have been freshly applied to investigative journalism and to civil service leaks—two methods of "waging peace" under modern conditions—without benefit of any of the usual presumptions with respect to speech, liberty, or the criminal law. The decisions are, then, important for affirming existing law and for applying it in full force to two emergent modes of political speech. How great a chilling effect either or both of these decisions is likely to have remains to be seen. In any event, they put an even greater burden upon the civil courage of the ordinary person and upon other forms of political expression and protest.

As might be expected, Britain has a strong tradition of deference toward the judiciary and a broad interpretation of the inherent powers of the courts. There are contempts unknown to the United States, such as "scandalizing the court" and "interfering with the course of justice as a continuing process." Also, the courts are quick to enjoin contempts or to compel disclosure of sources of information if such measures are needed to protect judicial proceedings or authority. Since speech is not a preferred interest, it fares poorly when balanced against the integrity of the courts or judicial process.

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whose view of speech was not shared by his brethren. If there is such an "interest," it is certainly not treated as important and is easily countered by other considerations. Alan Boyle, "Freedom of Expression as a Public Interest in English Law," *Public Law* 27 (1982): 574.

[67] Andrew Nicol and Geoffrey Robertson, *Media Law: The Rights of Journalists, Broadcasters, and Publishers* (London: Sage Publications, 1985), 3.

[68] *Reg. v. Aubrey, Barry, and Campbell*, Unreported, Central Criminal Court, 1968.

[69] *The Times*, 10 April 1984.

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Substantial encroachment upon free speech has come about by extending traditional contempt and injunctive powers to new areas. Use of these powers to protect the integrity of the ordinary criminal trial is one thing; and on this account, few weep for the British tabloids. But modern administration and regulation is another matter. Here, the involvement of the press and other media – to call attention to festering ills such as commercial fraud or industrial carcinogens and to prod the machinery of justice into action – is both vital and legitimate.[70] Yet these activities, useful though they are, may prejudice the merits of a case or, more remotely, "interfere with the course of justice." Far from adapting their doctrine to accommodate an emerging interest in speech, though, the British courts have extended the law to cover civil as well as criminal cases,[71] adopted a broad view of prejudgment,[72] and made clear that they would use contempt and compulsory powers freely to force disclosure of sources. Had the courts wished to strike directly at press freedom, it is difficult to see how they could have done so more effectively. One royal commission and a statute later, British law neither accords with the European Declaration of Human Rights nor is it safe for modern political journalism.[73]

Political speech is limited from another direction by the common law that has grown up around the concept of breach of confidence. This concept, with little parallel in the United States, is obscure in its nature and potential,[74] but it affords a striking illustration of the ease with which private property interests can be combined with a protectiveness for public prerogative to the detriment of speech and public debate. Indeed, it does not force interpretation far to say that the British courts, while failing to protect privacy or free speech, have created a common law right to business and governmental secrecy.[75]

The courts have used traditional concepts such as contempt and breach of con-

[70] See Street, *Freedom, the Individual and the Law*, 148–155, for a cogent discussion.

[71] *Home Office v. Harman* [1982] 1 All E.R. 532, appealed to the European Court of Human Rights.

[72] *Attorney-General v. Times Newspapers, Ltd.* [1974] A.C. 273.

[73] Stevens and Yardley, *Protection of Liberty*, 141.

[74] Law Commission Working Paper No. 58, *Breach of Confidence*, 1974; Law Commission, *Breach of Confidence* Rpt. No. 110 Cmnd 8388 (London: Her Majesty's Stationery Office, 1981); Nicol and Robertson, *Media Law*.

[75] By the scope given to statutes preventing disclosure and by their interpretation of breach of confidence and the contempt powers, the courts indirectly afford protection to governmental and business secrecy. Britain has no Freedom of Information law, though the Data Protection Bill – primarily intended to ensure security of computerized data – gives data subjects a right of verification. England's lengthy debate over privacy has produced little beyond a consensus that no "general" right of privacy exists or is desired. The Younger Committee did propose a statute creating new torts of unlawful surveillance and another of disclosure of information unlawfully acquired as well as further exploration of the law of confidentiality. Not surprisingly, only the latter proposal has been implemented. Raymond Wacks, Protection of Privacy (London: Sweet and Maxwell, 1980); *Report of the Committee on Privacy*, Cmnd 5412 (London: HMSO, 1972). For an interesting exercise in legalistic atomism and a decisive rejection of the molecular entity, privacy, see *Malone v. Metropolitan Police Commissioner* [1979] 2 W.L.R. 700, and the reversal in the European Court of Human Rights.

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fidence to protect established interests other than speech. Thus, in a series of cases, they extended the common law concept of breach of confidence to protect corporations;[76] applied it to governmental relations of confidence as well;[77] employed contempt and injunctive powers for its defense;[78] and narrowly restricted the public interest defense available to the defendant.[79]

The resulting hybrid of private law and public prerogative works well for property and business interests but bears heavily upon liberty of speech. An example will illustrate. In *British Steel Corporation v. Granada Television, Ltd.*[80] a private television company used British Steel Corporation documents to develop a program critical of the public corporation's conduct in a strike – an issue of considerable importance and public interest. The court granted B.S.C. an injunction against any further publication and ordered Granada under pain of contempt to divulge the name of the mole who had leaked the documents. In *dicta*, the court further denied that a public interest defense would have availed, since B.S.C. conduct fell far short of "iniquity." The use of an injunction instead of damages is significant, showing how the protection of a property interest leads to a previous restraint upon speech. Equally of interest is the use of contempt powers and a narrow interpretation of the public interest defense to deny either a shield to the reporter or protection for "investigative journalism." The case illustrates, broadly, how free speech gets balanced out of existence by other interests.[81]

Assembly and public protest are primary forms of political expression and occupy a special place in Britain, with traditions of religious and political dissent and vigorous trade unionism. Here, the two British institutions of corporate pluralism and strict legality meet head on. That these contrary defenses of liberty have been so successfully reconciled in the past is a testimonial to tradition and good sense. Yet this tension is no longer well-contained, especially where new forms of political expression require the adaptation of traditional approaches.

The field of public protest and demonstrations has been especially characterized by legislation, occupying increasingly an area once left mainly to the common law and municipal bylaws. Especially significant are the specific kinds of activities for which new statutory powers of control have been sought. These include proposals for a new Public Order Act, more controls on picketing, easier proof of incitement to racial hatred, and electoral laws that would discriminate against

[76] *Schering Chemicals, Ltd. v. Falkman, Ltd.* [1982] 2 All E.R. 321 (C.A.).

[77] *Attorney-General v. Jonathan Cape* [1976] Q.B. 752; *Home Office v. Harman* [1981] 2 All E.R. 258 (C.A.).

[78] Ibid; also *British Steel Corp. v. Granada Television* [1980] 3 W.L.R. 760.

[79] *Distillers Co. (Biochemicals,) Ltd. v. Times Newspapers, Ltd.* [1979] Q.B. 613; *Lloyds Bank Int. v. Dow-Jones (Publ.) Europe, Ltd.*, unreported, 27 May 1983; Nicol and Robertson, *Media Law.*

[80] *British Steel Corporation v. Granada Television, Ltd.*, [1980] 3 W.L.R. 760.

[81] Free speech is "residual" only. Confidentiality by contrast has foundations in contract, tort, trusts, and possibly elements of property as well. Law Commission Working Paper, *Breach of Confidence*; Wacks, *Protection of Privacy*, 151–154.

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extremist political parties.[82] Such legislation is an expression of a high valuation placed in Britain upon decorum and political moderation. Yet it also testifies to a difficulty of coping with political protest characterized by new modes and intensity of expression. It is characteristic of modern government that it greatly increases the areas of political controversy. For Britain, with its nationalized enterprises and history of socialist politics, this generalization applies with increased force. The welfare state politicizes issues of liberty. And corporate pluralism sanctions new methods of political protest in response to the threat. One consequence is difficulty in adaptation, in which the common law and the judicial process are increasingly irrelevant and for which legislation provides a tardy and clumsy remedy.

Here, as in other areas of political speech, the courts have applied the law to protect order and property, whether or not this worked to the detriment of liberty, especially liberty of speech, protest, and demonstration. They have interpreted the common law of reasonable use, public and private nuisance, and trespass so as to protect property interests and public convenience. In labor disputes, the courts have held to a narrow view of "furtherance of a trade dispute," have allowed the police much discretion in controlling picketing, and have been ready to grant employers and others injunctive relief. And they have relaxed concepts of breach of the peace and obstruction of a police officer to permit more effective crowd control, rather than allowing more freedom to demonstrate or march.

Another case can illustrate both applications of common law concepts in this area as well as difficulties in employing them in the cause of liberty. In *Hubbard v. Pitt*[83] members of the Islington Tenants' Campaign, believing that Prebble & Co., estate agents, were helping developers with "block-busting" practices, picketed on the pavement in front of the firm's offices. Prebble & Co. sued the demonstrators, inter alia, for libel, wrongful obstruction of the highway, "besetting" their premises, and unlawful picketing. They sought an injunction rather than damages. A magistrate granted an interlocutory injunction, upheld in the Court of Appeals. In a strong dissent, Lord Denning invoked the issue of free speech and argued that the lenient "balance of convenience" test for an injunction ought not to apply to a libel action where the defendant offered proof. He also thought the private nuisance of "besetting" was obsolete, that the peaceable assembly was reasonable and not an obstruction of the highway, and that the concept of lawful picketing might accommodate this kindred activity. The majority held that a "besetting" had occurred and that an injunction should issue. Aside from its quaint anachronism, *Hubbard v. Pitt* illustrates how a moribund property interest and a strict interpretation of the common law lead to denial of a "residual" interest in free speech. It also reveals a lack of adaptiveness to a new, peaceful, and relatively constructive form of political expression.

Assembly and public protest as examples of political speech throw into stark

[82] Hewitt, *Abuse of Power*, esp. chap. 5.
[83] Hubbard v. Pitt [1976] 1 Q.B. 142.

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relief and contrast the two British methods of protecting civil liberties—strict legality and corporate pluralism. Strict legality, especially as a method of restraining authority, appears to be less and less effective, almost to the point of irrelevance. The courts, insofar as they adapt, seem to do so to accommodate the spirit of recent legislation, the necessities of police administration, and the interests of property and public order. The unfortunate consequence, once more, is to thrust an increasing burden upon individual civil courage, corporate pluralism, and political action to defend civil liberties.

Political speech is almost a paradigm case of what is problematic about British civil liberties. A legally protected residual right to speech, guarded by the courts, exists as before. But this right has not been effectively adapted to the contemporary era of computers, mass media, and the missile age; of trade and governmental secrecy; and of investigative journalism and protest demonstrations. As a result, both the defense of liberty and the expression of political dissent fall increasingly to corporate and political action, often of dubious legality. Political consensus suffers and, in the longer run, civil liberty as well.

Prospects

Strict legality and corporate pluralism could work well together and protect liberty so long as the pace of change was slow and people agreed about the substance of civil liberties and the means for preserving them. Today, these conditions do not obtain. There is no civil liberties movement and no natural constituency of any magnitude.[84] Left, right, and center disagree about the content of liberty and which rights deserve a defense. Corporate pluralism further politicizes disputes over rights and over norms of procedure applicable to these disputes. Parliament is too partisan and the courts are too conservative. Continuing dissent and lack of effective adaptation, then, may indicate a period of secular decline in British civil liberties. A remaining issue is whether anything can be done about this state of affairs.

One vain hope is that the courts would help. The higher judiciary is politically conservative and regarded with suspicion and hostility by the entire political Left. Moreover, judicial innovation in civil liberties nowadays has important substantive implications and political consequences, especially given the deep partisan division in Britain over the welfare state and defense policy. On both these counts, sustained creativity would be politically unacceptable. But even assuming a favoring

[84] Griffith, "Democratic Process," 86, 87; Cox, *Civil Liberties*, 29, where he discusses particularly the tendency of political party issues and loyalties to dominate civil libertarian ones. In 1984 the National Council for Civil Liberties, the British counterpart to the American Civil Liberties Union (ACLU), decided that it would no longer defend the civil rights of members of the National Front or other "racist" or "facist" organizations, declaring its natural constituency to be among "the oppressed, trade unions, women, gays, black people." Its action was opposed by its newly elected American Secretary-General, Larry Gostin, and contrasts with the action of the ACLU in the case of the "Skokie Nazis."

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political climate and a sympathetic judiciary, the judges must work with a common law weak in concept or presumption favorable to civil liberty. Adaptation by this route, were it to come about, would almost certainly be too little and too late.

Many in Britain say that such issues should be settled by politics—public protest, the ballot box, parliamentary debate and legislation. In practice, many civil liberties issues are dealt with this way. But the political approach has its problems. The most obvious is that it tends to protect majority or group interests and not isolated individuals, for instance, the nonvoting immigrant or the trade union dissenter. The other trouble with the political route is that it does not seem to promote consensus on civil liberties. Indeed, at the moment of writing, a notable feature of the British political scene is the extent to which considerations of political power and advantage have encroached upon issues of civil liberty, especially in such emotionally charged areas as picketing and political strikes, the welfare and minorities policies of local governments, and amendments to national and local electoral laws. Not only does a political approach often defend liberty badly, it carries with it the danger of declining consensus on procedural and substantive norms that vindicate liberty and are a precondition for its continuing existence.

A proposal that generated much interest and support in the 1970s was that Britain adopt a bill of rights with, according to some versions, an entrenching clause and a mandate for the courts to apply its provisions in their decisions.[85] Probably, the movement for a bill of rights has vanished beyond recall,[86] but a similar and later proposal that the European Convention on Human Rights be adopted as British law and entrenched in the Constitution continues to find support.

One objection to a bill of rights, by whatever route it might come, is that it would be applied by the British judiciary. They would either infuse it with their own conservative philosophy or trivialize it with the niggling atomism of the British common law. Evidence to the contrary lies in recent Privy Council cases, in which British judges have had to apply Commonwealth bills of rights to local legislation and common law. In these cases they seem fully able to rise to the challenge of constitutional jurisprudence and political neutrality and might do so in Britain as well.[87]

The major obstacle to a bill of rights, in either a home-grown or a European form, would seem to be political. Much of the initial enthusiasm depended upon a fortuitous constellation of events: the support of the Lord Chancellor, wide-

[85] There is a voluminous literature on this subject. For a useful bibliography, see Paul O'Higgins, *Cases and Materials on Civil Liberties* (London: Sweet and Maxwell, 1980); also Wallington and McBride, *Civil Liberties and a Bill of Rights*; Zander, *A Bill of Rights; The Protection of Human Rights by Law in Northern Ireland*, Cmnd 7009 (London: HMSO, 1977); House of Lords, *Report of the Select Committee on a Bill of Rights* (176) 1978.

[86] Griffith, "Democratic Process," 91; some argue, though, that the same fortuitous circumstances that gave life to the initial movement might recur.

[87] For this observation, I am indebted to Professor Leonard H. Leigh. Examples of such cases are: *Thornhill v. Attorney-General of Trinidad* [1981] A.C. 61; *Ong Ah Chuan v. Public Prosecutor* [1981] A.C. 648; *Attorney General v. Reynolds* [1980] A.C. 637; *Maharaj v. Attorney-General of Trinidad* [1979] A.C. 385; *Riley v. Attorney-General of Jamaica* [1982] 3 W.L.R. 557.

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spread distress over civil liberties violations in Northern Ireland, growing involvement with the EEC, and a modicum of bipartisan political support. The present Conservative party leadership is uninterested in such a proposal and the Labour party palpably hostile to it.[88] Today, the two major parties are more widely separated and public opinion is more divided than before on many issues of civil liberties, such as police powers, picketing and demonstrations, racial equality, and social welfare entitlements. With the emotive fervor evoked by these issues, a bill of rights in either form would be hard to agree upon. But even if it were initially accepted, it would be unlikely to survive, given the present-day polarization of the political parties and the heat of political controversy.

One encouraging development in Britain has been the use of test cases, or cases brought specifically to establish points of law with respect to social welfare entitlements, civil liberties, and other rights arising under the European charter.[89] They are likely to have little direct effect on British judges or the policies of British administrators, since Parliament has declined to give them binding effect on domestic law.[90] But a decision may give added weight to critique and strengthen political or administrative appeals, for instance, in welfare or civil liberties cases. Also, because of the rights and principles enunciated in the European Convention, test cases allow civil liberties issues that receive scant consideration in British courts to be raised in a more sympathetic forum—issues such as torture or unlawful detention, privacy, religious freedom, rights of immigrants, etc.[91] Britain is bound by treaty to conform its laws to European Court decisions and has done so, though at times minimally and grudgingly. Such change is a tangible benefit of such cases. But test cases, of whatever variety, have a less obvious and possibly even greater benefit: for they serve to dramatize the issues of civil liberties; to embarrass the British about their derelictions; and gently prod them to do as their European peers or their own more enlightened traditions bid them do. Modest though such an approach seems, it may be the best for now.

To leave the matter of civil liberties without further comment makes the situa-

[88] Much of the Labour support for a bill of rights seceded to become part of the Alliance with the untoward effect of depriving the civil liberties movement of its Labour Party support.

[89] For a case to be heard by the European Court, domestic remedies must be exhausted and the appeal must be approved for review by the Council of Ministers. Even if a violation is found, the Commission or Court may determine the violation to be within the "margin of appreciation," i.e., not egregious enough for a remedy to be mandated. Appeals are likely to take a minimum of two years.

[90] Prosser, *Test Cases for the Power*, esp. 85–87.

[91] Britain has generated more cases and more important cases than any other country in the European Economic Community. Among the subjects of appeal have been: torture in Northern Ireland; invasions of privacy by police wiretaps; discrimination against the wives and children of immigrants; prison conditions; interference with communications between prisoners and solicitors; school punishments; criminal penalties for homosexual acts between consenting adults; detention of mental patients; detention of immigrants; "closed shop" dismissals; nationalization of aircraft and shipping industries without just compensation; infringements upon free speech by Britain's contempt and obscenity laws. Jeremy McBride, "The European Convention on Human Rights and the Protection of Civil Liberties in the U.K.," in Wallington, *Civil Liberties*.

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tion in Britain seem better than it is. The prognosis is a mixed one. The traditions of corporate pluralism and of individual acts of defiance remain strong. For this reason, civil liberties in Britain continue to be robustly asserted by acts of civil courage and civic energy. But progress in articulating and protecting newer expressions of liberty is slight. Still worse is the growing gap between aspiration and reality. Should this situation continue, liberty will have to be defended, of necessity, more by group power and less by law. As this defense becomes corporate, political, and—most probably—angry, it may crowd out the more temperate spirit and methods of civil liberty. A moderating of the political struggle would help this situation. So would a collective awareness and response to these threats. Failing these, the prospect is for a continuing lag in adapting traditional liberties or asserting new ones and for more angry resorts to power tactics. For those who admire Britain and value civil liberty, that prospect is a sad one.*

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Why the Reagan Revolution Failed: A Review Essay

ROBERT D. REISCHAUER

David Stockman has written a book that will be of great interest to historians, political scientists, policy analysts, and those who want to know how *not* to run a new administration. Unlike many renditions of history that have been written by a participant, Stockman has not used his book to defend the rationality or wisdom of his actions. Quite the contrary. The book portrays Stockman as an ideologue who, despite a number of years on Capitol Hill both as a staff member and as a congressman, had little appreciation for the political forces at work in Washington. While the book is self-serving in places, it is more often self-critical. Stockman clearly presents himself as the decision maker who should be held responsible if the Reagan Revolution results in the long-run economic catastrophe he expects. By offering himself up as the "fall-guy" for Reaganomics, this servant of the President, who many considered so disloyal, may in fact be attempting the ultimate act of loyalty by trying to shield the President from history's judgment should the revolution fail.

For historians, *The Triumph of Politics* offers a detailed glimpse into the formulation and execution of economic and budget policy during the political campaign, the transition period, and the administration's first year in office by the person most responsible for this policy. Given what Stockman portrays as a high level of "fiscal and economic illiteracy" in the White House and the supply-side blinders that distorted the view from Treasury, it is unlikely that a more coherent or accurate first-hand account will emerge. The rendition of events is candid, to say the least. Stockman makes it clear what he thinks of each of the other players

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and also reveals what he believes the other participants thought of the "little pissant" who was dictating budget policy. He is also generous in his accounts of those seemingly unrelated details that so often inadvertently influence the course of policy.

While *The Triumph of Politics* reveals nothing that is startlingly new or unexpected, it confirms much of what the press and informed observers have speculated about. Yes, many of the budget and economic numbers did not add up and some of the key participants knew this to be the case. Yes, most the of the President's close advisers knew little about policy matters when they arrived in Washington and could not have cared less. Yes, the President is a genial, consensual politician who has a hard time making difficult decisions and has little interest in the details of any issue.

When the history of this period is written, scholars will have to decide whether the nation experienced the Reagan or the Stockman Revolution. If *The Triumph of Politics* is accurate, the latter is the case, for without the Office of Management and Budget (OMB) director, the administration lacked the vision, capacity, will, sense of urgency, and energy to bring off the early legislative triumphs that shaped the subsequent course of public policy. Stockman describes an incoming administration with "no strategic plan for launching their government, to say nothing of a 'Reagan Revolution' " (p. 76). He portrays a president who was only dimly aware of the consequences of the policies that were being planned in his name. With virtually no guidance from above, no countervailing power in the secretaries of the various cabinet agencies who had yet to appoint their staffs, and no moderating input from a Council of Economic Advisers (CEA) that had yet to be named, Stockman designed and implemented the early stages of the revolution. Only he knew how important timing was; only he had extensive programmatic knowledge; only he understood how vulnerable the congressional Democrats were after their devastating defeat in November; only he knew how to use the congressional budget process to achieve the administration's objectives. The clear message of *The Triumph of Politics* is that the nation would not have had the massive spending and tax changes of 1981 if David Stockman had not been appointed to direct OMB. To be sure, significant policy changes would have been proposed much later in the year; but they would have been less well-defined and would have sputtered to an end as the economy deteriorated in late 1981. Will historians support Stockman's interpretation?

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Political scientists will be interested in Stockman's rendition of events for the insights that it provides and the questions that it raises about the modern presidency, executive-congressional relations, the limits of cabinet government, and the dynamics of policy making by extreme factions within a political party. In the popular view, Reagan has restored the strength of the presidency after the tarnish of Nixon and the wishy-washy Carter years. Yet the picture painted by Stockman is one of a leader who is anything but strong and a White House staff that is not

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in control of the most important domestic issue facing the nation. Can early legislative success create an appearance of presidential strength that can last throughout an administration?

The administration's early legislative successes have caused some to reassess the view that an undisciplined legislative branch is running roughshod over an impotent executive branch. However, Stockman's book suggests that the fundamental pattern has not changed. A freak confluence of improbable events and gross errors by the Democrats accounted for the White House victories on Capitol Hill in 1981. Soon thereafter the old pattern reemerged and, as a result, the administration has been singularly unsuccessful in getting its legislative agenda enacted.

For anyone who might harbor some romantic notion that the cabinet can be given the responsibility for making the government work without strong White House guidance, Stockman's book provides some sobering insights. The picture that emerges of the cabinet is one of a number of independent operators, each with his or her own turf to defend and agenda to pursue and each reluctant to compromise unless explicitly ordered to do so by the President. This is surprising considering that, to a rare degree, the Reagan cabinet secretaries were not tied closely to the interests represented by their new agencies before their appointments.

The book includes an interesting case study in how a group of fringe ideologues with a firm set of views about how the economy works and how the mistakes of the past should be corrected could get their ideas accepted as the platform and policy of a major political party. The lesson here is that strongly-held views triumph over weakly-held ones; simple explanations dominate complex ones; and dedicated backbench activists with little to do crowd out those who are engaged in the job of being the responsible opposition.

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For the policy analyst, *The Triumph of Politics* should be required reading. But for a number of reasons it will be a discouraging assignment. Most basically, one has to face the fact that little policy analysis underlies many important decisions. Politics, more often than not, weighs more heavily. Discussion of options and alternatives takes knowledge and time, both of which are in short supply among high-level decision makers. Furthermore, simple, shoddy, or irrelevant analysis often prevails over good analysis. Complexity is the kiss of death in a White House meeting. Unfortunately, some issues cannot be reduced to simple terms. Finally, even those who profess to be the most ardent supporters of analysis, such as Stockman, are sometimes unable to accept analytical input if it contradicts their ideological convictions. Thus Stockman continues to lump together for denunciation effective social programs such as the Job Corps and Head Start along with "pure pork" programs such as Economic Development Administration (EDA) loans and tobacco subsidies.

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Incoming administrations would do well to read *The Triumph of Politics* for the lessons that it holds. First among them is the potentional vulnerability of a new administration to proposals that have not been thoroughly evaluated. Every new administration wants to hit the ground running, to strike while it has political momentum, and to make a distinctive impact. Unfortunately, as Stockman details, time and staff resources are very scarce during a transition period; the normal checks and balances are not in place; and, therefore, a high probability for error exists. A second lesson is that the details of economic and budget policy are too important to be ignored or delegated to second-level players. The White House and the secretary of the Treasury regarded the economic forecast to be a "technical formality." Thus, the administration found itself caught in a budget plan that would only work if the highly improbable "Rosy Scenario" forecast cooked up by a cabal of supply-side radicals was realized. Similarly, the huge defense build-up resulted partially from Stockman's failure to specify clearly to Caspar Weinberger the baseline to which the administration's defense additions were to be made. Such "details" cannot be left to a later meeting.

A third lesson that comes out of the book is that it is essential for a modern president to have a close and trusted personal adviser who understands economic and budgetary matters. Early mistakes made in these arenas can constrain an administration throughout its entire term.

Finally, the book contains a lesson for departing administrations: regard the lame duck presidential budget proposal as part of a larger policy game. By proposing five-percent real growth for defense through 1986, the Carter administration forced the incoming administration to advocate a more massive build-up. Had Carter proposed a more modest two- or three-percent expansion, Reagan could have differentiated his policies from those of the past without breaking the bank. He could have kept his campaign promise of five-percent real growth for the defense budget, rather than feeling obliged to double the number.

Valuable as *The Triumph of Politics* is, it has some limitations. It only tells part of the story. It concentrates on the period from early 1980 through the end of 1981. Very little detail is given on the subsequent four years of Stockman's tenure at OMB. It also contains no analysis of the institutional changes or workings of OMB. One is left with a picture of a frenetic Stockman who, with the help of a few aides and a pocket calculator, determined the budget, forced it upon the various agencies, and guided it through Congress. Hugh Heclo has described many profound changes that took place at OMB during this period, but Stockman is silent on these matters. Stockman also makes no effort to reflect upon the changes that were brought about in budgeting as a result of the huge deficits that were created by the 1981 decisions. Cutback budgeting is different from incrementalism. There is now a very different dynamic between the Hill and the executive on budget matters; there are also different relationships between OMB and the agencies. But one will find little insight into these repercussions of the Stockman Revolution in *The Triumph of Politics*.

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Book Reviews

A Reasonable Defense *by William W. Kaufmann. Washington, D. C., Brookings Institution, 1986. 113 pp. $8.95.*

William Kaufmann is the dean of academic defense analysts. In this new book he shows once again why. It is a monograph for the layman, politician, academic defense expert, and governmental policy analyst alike. With astounding clarity and economy he analyzes the entire range of current American defense issues—the byzantine nature and politics of defense budgeting, the evolution and dysfunctions of the Defense Department's organization, the nature of force planning and the meaning of net assessment, and the myths and facts about the nature of the Soviet threat. Especially useful are the fifty-five tables, which in themselves constitute an invaluable data bank about America's military forces. If I were to recommend one book to read in order to understand the current defense choices America faces, this is it. It has more "punch for the page" than anything else I have read in many a year.

Kaufmann is not content merely to tell us all about America's defense forces. He has a central message: we need to continue to spend significant dollars on defense, but not as much as the Reagan administration wishes. In order to counter the Soviet Union's ongoing military modernization, the United States must continue to increase its real defense spending by 3 percent a year for the next five years. If we do so and allocate the dollars in the ways Kaufmann outlines, we can have forces, nuclear and conventional, that are both more effective and cheaper by nearly $250 billion than that which the Reagan administration plans to buy. In short, Kaufmann sets forth what he conceives to be "a reasonable defense."

The heart of Kaufmann's analysis comes in Chapters 4 and 5, entitled, respectively, "Debating Points and Force Planning" and "Net Assessments and Force Planning." In the former, he makes three central points. First, the Reagan administration has exaggerated the need for large increases in defense spending because it has distorted the Soviet build-up of the last fifteen years. True, the Russians have increased their defense spending significantly during this period. But their current build-up started from a low base, much of it went to restore the cuts that Nikita Khrushchev made in the late 1950s and early 1960s, and in its strategic nuclear forces program, much of what has been done is simply to catch up with the United States.

Second, the "decade of neglect" (the 1970s), when the United States supposedly gutted

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its military forces, was not so "neglectful" if looked at carefully. True, real American defense spending during this decade declined. But the bulk of the decline did not come in research and development, military construction, or procurement, but rather in personnel in the active forces. From fiscal year 1968 through fiscal year 1973, active-duty military personnel fell by 1,000,000, going from 3,547,000 to 2,252,000. Army divisions went from nineteen in 1968 to thirteen in 1973; air force attack wings, from twenty-five to twenty-two. In short, the decline in defense spending in the 1970s is explained largely, though not entirely, by the reduction in the size of the active forces associated with the withdrawal from the Vietnam war. Moreover, during that war, as has been the case for previous wars, the air force and army bought a large number of modern weapons, most of which they retained after the war's end. The modernization of the forces that occurred during the war lessened the need for an intensive effort after its end. And, finally, during the Ford and Carter administrations, the United States bought about as many ballistic missile submarines, tanks, combat aircraft, and warships as did the Reagan administration during its first four years. So much for the decade of neglect.

Third, the Reagan administration seems to be getting a poorer return on its investment in new weapons than Carter did. In his first term, Reagan funded 6.4 percent more missiles than Carter, but paid 91.2 percent more in constant dollars; he bought 8.8 percent more aircraft and 30.0 percent more tanks and other combat vehicles than Carter, but paid, respectively, 75.4 percent and 147.4 percent more; he funded 36.1 percent more ships but paid 53.0 percent more. Clearly, the services are buying fewer but more sophisticated weapons. Whether the enhancement in quality will offset the decline in quantity is problematical.

In Chapter 5, Kaufmann makes a powerful case, not only for spending less than Reagan wants, but for allocating the dollars differently. To cut $250 billion over five years from what Reagan proposes to spend and yet end up with a force more effective than Reagan's, Kaufmann suggests measures such as these: retire the Minutemen III missiles and keep the Poseidons (the reverse of what Reagan is doing) because invulnerability is what counts; cancel the B-1 bomber, retire the B-52s, and build a cheap ALCM (air-launched cruise missile) carrier, because stand-off capability is better than penetration capability for bombers; do not deploy the MX and avoid an active defense against bombers and missiles because a second-strike force is what counts for deterrence; spend less on expensive tactical air for long-range air superiority and interdiction and more for close air support, because it is more effective to chew up Soviet forces at the FEBA (the forward edge of battle) than to interdict them far from it; spend less on expensive and fragile carrier battle groups for power projection and more on escorts and attack submarines for convoy duty; spend less on airlift and more on fast sealift, especially when the former makes little difference to the outcome of a one-to-two week war in Europe and is not as cost-effective as the latter in a longer European war; and give the reserves more modern equipment and increased amounts of large-unit training, because we shall need to rely heavily and quickly on the reserves in a long conventional war with the Soviets. In these ways we can end up with more for less.

I agree with these prescriptions. Even if others do not, they will have to come to terms with Kaufmann's elegant case.

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Brandeis University

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The Ultimate Insiders: U.S. Senators in the National Media *by Stephen Hess. Washington, D.C., The Brookings Institution, 1986. 151 pp. Cloth, $22.95; paper, $8.95.*

This slim volume is the third in a series on newsgathering in Washington, D.C., written by Stephen Hess of the Brookings Institution. Which senators are covered by the national news media, the author asks, and why? His answer is suggested by the book's title; "the ultimate insiders" of the upper chamber—the formal leadership—receive the bulk of the attention from the national press. "By focusing so exclusively on the Senate leadership . . . the reporters are playing it safe" (p. 93). It is physically possible to cover a few senators; it is not possible to pay attention to all one hundred. Nonleaders as newsmakers have declined since the 1950s.

These findings would be as attention grabbing as a news story about the man-who-did-not-bite-a-dog save for the extravagant claims of media power made by journalists, senators, and scholars in recent years. These writers have argued that "playing to the crowd has become much more rewarding than playing to the club" (p. 13). Younger members and mavericks can easily achieve national reputations via television. Power in the Senate has become decentralized, the Senate leadership weakened, Senate candidates have become guys with "blow-dried hair who read the script well" (p. 5); these are Michael Robinson's words, not Hess's. The national media—according to a respectable and growing literature—have produced important changes in the membership, behavioral patterns, and functioning of the Senate.

On the whole, Hess's volume is an effective antedote to hyperbole about the impact of the media on the Senate. His most important data are weighted counts of the number of times in 1983 each senator was mentioned or appeared on the TV network evening news, or was interviewed on "Meet the Press" or other shows of that type, or was named by the *Los Angeles Times*, *New York Times*, *Washington Post*, *Christian Science Monitor*, or *Wall Street Journal* (after discarding purely local stories). He finds that 80 to 90 per cent of the senators receive little to no coverage from the so-defined national media. The national press and network TV pay attention to those senators who wield institutional power—the party leaders, committee chairs, and ranking minority members—and to those seeking presidential nomination. This latter group has been rather large of late. And a definition of "leadership positions," which results in over forty senators qualifying as "leaders," seems unnecessarily flabby. It also would have been interesting if Hess, in his statistical analysis, had distinguished between party leaders and committee leaders in the Senate. But these are relatively modest quibbles compared to the book's strengths.

In the process of developing his major theme, Hess examines the influence of political party affiliation and ideology on news coverage, the kinds of personal traits that attract press attention, as well as the influence of press secretaries and news releases. These chapters are fresh, informative, and often entertaining. A 30-page appendix presents much of the data used in the study.

This book is about *national* news and not the routine regionally- and locally-oriented newsmaking and newsgathering that occupies so much time of so many people on Capitol Hill. This very different game will be the subject of Hess's next book. May it be as good as this one.

DONALD R. MATTHEWS
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The Outside Story: How Democrats and Republicans Reelected Reagan *by Richard Brookhiser. Garden City, N.Y., Doubleday, 1986. 298 pp. $17.95.*

Richard Brookhiser is identified on the jacket of the book as the thirty-one year-old managing editor of the *National Review* and a long-time contributor to its pages. Apparently some of the material in *The Outside Story* has also appeared in the *National Review.* Not unexpectedly, Brookhiser's first book is lavishly praised on the jacket by *National Review* publisher and founder William F. Buckley, Jr. as " . . . brilliantly written, a quite extraordinary performance."

Brookhiser depicts what he refers to as the "outside story" of the 1984 presidential campaign. The "insider's" approach, prominently associated with Theodore H. White and his *The Making of the President* series, is arguably the dominant book-form reportorial approach to presidential election coverage. Brookhiser believes it can be faulted. "There is no omnipresence, and hence, no omniscience. You see one vignette, you miss fifty. The candidates themselves are not privy to everything worth seeing; how can observers be?" (p. 2).

Brookhiser's solution is to adopt an outside strategy, to focus on what the candidates did and said and, by implication, to evaluate its significance. "There is another way of looking at American presidential elections. That is to focus on what the candidates and their supporters say and do in public; to leave the green room and the wings and go out front, and attend, with respect, to the performance" (p. 3). The advantages of the approach are many. "In looking at the outside story, several things emerge. Elections take on a deep calm. They are no longer brawls, marathons, endless aimless scrums. All the chaos and bawdry remains, [sic] enough for the most avid connoisseur, but it falls into simpler forms. Politicians, it turns out, are actually saying something; their antics have a purpose" (p. 3).

This, then, is the perspective the book takes. Within this context, individual chapters are devoted to assessing Ronald Reagan's White House tenure; the prenomination fights among Democratic contenders; the San Francisco convention; the Republican party's non-campaign placed in a generally broader historical and political context; the Dallas convention; and, in the concluding two chapters, the manner in which some of the issues raised in the general election campaign were handled by the contenders.

Events are viewed through a somewhat cynical eye, or more accurately one that in the tradition of the *National Review* offers underlying moral judgments rendered from a conservative to far-right perspective. In this vein, among the more intriguing parts of the book are the abbreviated but interesting discussion of the rise of the conservative movement in the United States, the *National Review*'s role in this and its influence on Reagan (pp. 179–198) and, at the opposite end of the spectrum, the Jesse Jackson phenomena and, in particular, his visits to, and receptions in, Cuba, Nicaragua, and other Central American countries (pp. 125–138). This latter discussion could have been expanded to supply considerable more information than the meager contextual accounts that appeared in the American press.

The most disappointing part of the book, and a casualty of the "outside" approach, is its failure to say anything of significance about Reagan, the dominant force in the 1984 election, and Reaganism, that curious blend of right-wing social and economic policies that Reagan has convinced the media and the Congress is the electorate's true wishes. Reagan is a master of the public act, the symbolic gesture, and of impersonal mass media commu-

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nications. An outside approach simply reiterates what we already know and have seen; it offers little in terms of insight as to the major political phenomena of the 1980s. In this regard, insider accounts, such as David A. Stockman's *The Triumph of Politics* (New York: Harper & Row, 1986) are much more revealing and more historically significant.

Brookhiser writes well, although at times choppily, about what has transpired and he employs a sense of humor in his writing that can be described as *National Review*-clever. Of what value is Brookhiser's reconstruction of the 1984 campaign? For the academician, not a whole lot. Most of what he covers was available in the press and there is little new or out of the ordinary. For the general reader who might like the *National Review*'s style and perspective, it could be a pleasing diversion.

WILLIAM CROTTY
Northwestern University

The Limits of Victory: The Ratification of the Panama Canal Treaties *by George D. Moffett III. Ithaca, N.Y., Cornell University Press, 1985. 263 pp. $24.95.*

It is a curious fact that the most thoroughly studied episode of American foreign policy making in the whole era since the Vietnam war is the negotiation and ratification of the treaties limiting America's control of the Panama Canal. The research is embodied in William Jordan's magisterially comprehensive *Panama Odyssey*, on the negotiations, and now in George Moffett's incisive *Limits of Victory*, which compactly complements Jordan on the ratification.

For Moffett the ratification fight has very wide implications. His thesis is that the Carter administration found itself caught unaware in a turn of the tide of public sentiment concerning America's role in the world and thus had to struggle against a New Right current to win narrowly what turned out to be a Pyrrhic victory. Justice for Panama had been intended as emblematic of post-Vietnam noninterventionism, regionalism, and pragmatism, and would be the foundation for a new durable moderate U.S. stance worldwide. But Americans outside of the traditional foreign-policy elites were already rapidly unlearning the most revisionist of the "lessons of Vietnam" and were harking back to their childhood schoolbooks with echoes that (whatever might be our rights and wrongs in the rest of the Third World) the Panama Canal Zone at least is "*ours*," we built it, we paid for it—and so what if Theodore Roosevelt, as he said, "took" it from someone else: maybe "those were the days"—at any rate the time has come to stop all these giveaways, especially of one of our own territories.

The administration lobbied forcefully. Its publicity campaign for the treaties was immense. Moffett details it knowledgeably from personal participation enhanced in ensuing years on the Carter White House staff. The Establishment did coalesce. "There was almost universal support for the treaties among the nation's leading corporate, banking, and religious institutions and labor, minority, civic, and public-interest organizations" (p. 10), and the press was predominantly in favor, Right as well as Left; congressional support was largely bipartisan; the bureaucracy was unified. The mainstream was surely flowing smoothly among the elites.

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But it was being roiled by a rip tide—right populist—that was stirring at the mass level. Richard Viguerie and Ronald Reagan and others of like persuasion were discovering the deep nationalistic appeal of the keep-Panama cause and were riding this wave forward eagerly. They managed to offset the administration's mass-level campaign; polls Moffett cites show that more and more people became aware and ventured opinions as the months passed, but that the percentage pro and con changed very little. He believes that the New Right might even have been able to make sufficient inroads upon the Establishment itself to defeat the treaties if Viguerie and others had been sufficiently alert to traditional pocketbook concerns (in addition to their populist ideology) and had recognized how vulnerable the pro-treaty forces were to potential arousal of opposition on this second front too. But as it was, Carter won.

Moffett recounts the contest with analytical care and vivid prose. His chapter giving the broad context, Carter foreign policy, is at least as good as anything brief I have seen anywhere on that subject. And Moffett admirably interrelates the Panama affair with the incipience of Reaganism generally. *The Limits of Victory* is a splendid achievement.

Yet there are limits to Moffett's own victory. Crucial to his argument is that Carter's victory be seen as limited not just in the sense of close and narrow but in the sense of reaching outer limits. (Vietnam-syndrome revisionism simply could not get any further.) Indeed the victory was Pyrrhic, exhausting. Maybe so. But proof of that would require examination of the year-and-a-half between final ratification and the Iranian hostage/Afghanistan death knell of Carterism; this awaits, I hope, a second book by Moffett. And he seems not to appreciate the magnitude of Carter's achievement in at least turning Panama itself into a fait accompli, a non-issue, even under Reagan as president. Quite a lasting victory, despite the limits.

H. BRADFORD WESTERFIELD
Yale University

Détente and Confrontation: American-Soviet Relations from Nixon to Reagan *by Ramond L. Garthoff. Washington, D.C., Brookings Institution, 1985. 1147 pp. Cloth, $39.95; paper, $16.95.*

Raymond Garthoff, a distinguished Soviet specialist, analyzes U.S.-Soviet relations from 1969 to 1984 in the light of their relationship with other states, internal political developments, and the role played by some of the key participants. The rich, multifaceted analysis is done with remarkable perceptiveness and sophistication that allows this massive tome to tower over similar studies. The interpretations and conclusions add up to a liberal critique of U.S. foreign policy with scant apportionment of blame on Moscow; as such it is likely to be seen in some quarters as a less than completely balanced historical account.

The study rests on a careful and critical reading of a prodigious volume of memoirs of high level U.S. officials, press interviews, government documents, and open Soviet sources as well as secondary western literature. The first third of the book chronicles the fits and

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starts leading to the flowering of détente by 1972; the rest of the work traces and analyzes its unraveling.

The emergence of strategic parity, Sino-Soviet conflict, East-West détente in Europe, U.S. efforts to disengage from Vietnam, Sino-American rapprochement, agreement on the Strategic Arms Limitation Treaty (SALT), and the Soviet desire for expanded trade were identified as the factors generating the momentum that launched détente. Blame for its undoing is pinned primarily on Washington. In this study the American ship of state seems peopled by anti-heroes, knaves, and fools; their shortsightedness and/or fumblings, coupled with unfortunate political developments, steered détente off course. Henry Kissinger and Richard Nixon by their secretiveness and unwillingness to consult other bureaucratic players pursued less than optimal arms control arrangements and precluded building adequate domestic support for détente. Right-wing and pro-Israel groups combined to sabotage trade relations, to push for military programs, and to raise false alarms concerning Soviet intentions, capabilities, and treatment of Jews that poisoned the atmosphere. Jimmy Carter mishandled normalization of relations with China, SALT negotiations, the Soviet combat brigade in Cuba, the neutron bomb, and the European theatre nuclear forces, among others. Watergate sapped the U.S. administration's ability to deliver on promises. Carter's vulnerability to increasing attacks from the right, vacillations between Secretary of State Cyrus R. Vance's evenhanded approach to the USSR and national security adviser Zbigniew Brzezinski's trenchant anti-Sovietism gave rise to policy incoherence that cast further doubts on the reliability and trustworthiness of the United States. Misinterpretation and gross overreaction to Soviet intervention in Afghanistan dealt the fatal blow.

Garthoff refutes the thesis that blames détente's failure on Moscow's misdeeds. He paints Soviet moves in Afghanistan, Angola, and elsewhere in a sympathetic light. The case that Moscow was either acting defensively or else engaged in the same type of behavior as the U.S. is very well made. He highlights the fact that both superpowers maneuvered for geopolitical advantage and notes that their actions were within the spirit and letter of the ambiguously worded Basic Principles of Mutual Relations that is a cornerstone of détente. To be sure, Garthoff did attribute some mistakes to Moscow (for example, inadequate explanation of its deployment of SS-20s), but the mistakes were few and not lethal.

Garthoff concludes that détente, or competition without acute tensions, can be revived and put on firmer footing if both superpowers practice reciprocity and restraint and exhibit greater sensitivity toward the other's concerns. Such advice, though logically flowing from his analysis, does not seem practicable in the light of the depressing picture of the pluralist U.S. political process he presents.

This highly-intelligent, elaborately-documented account of a recent period in U.S.-Soviet relations presents a wealth of information on many political military developments as the backdrop against which crucial decisions are made. One may take exception to some of its reconstructions, such as linking the Sino-Soviet March 1969 border clashes to Soviet Minister of Defense Marshal Andrei Grechko's visit to India (p. 203). Some may be disappointed that Garthoff did not discuss at greater length the fall of the shah or Soviet views about the linkage of local wars to general war. Garthoff's penchant for correcting even unimportant errors in the recollection of the participants may irk less patient readers.

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Nonetheless, on the whole this is an exceptional study and a major resource for advanced students of U.S. or Soviet foreign policy, national security affairs, and contemporary world politics.

MARITA KAW
Ohio State University

Tito's Flawed Legacy: Yugoslavia and the West since 1939 *by Nora Beloff. Boulder, Colo., Westview Press, 1985. 287 pp. $23.00.*

The purpose of this book is stated quite clearly in the preface, where the author notes that "this book is in part a penance for unquestioningly accepting the Titoist bias shared by most of my countrymen. I hope that it may be regarded in part as the damages I owe to the many victims of Yugoslav police repression" (p. 13). Given this purpose, it is not surprising that her account of the establishment and consolidation of Communist rule in Yugoslavia divides its characters into two clear groups: those of whom Beloff approves (Milovan Djilas, Serbian dissidents generally, and above all the wartime Chetnik leader, Draža Mihailović), and those of whom she does not approve (all the communists, Winston Churchill, Fitzroy Maclean, and above all longtime Yugoslav President Josip Broz Tito). Accordingly, she goes out of her way to play down the excesses and mistakes of Mihailović, whose program she endorses, for she wants to argue that he was part of a patriotic and democratic tradition in Yugoslavia, a tradition that has always deserved the firm support and backing of the West. But in her account these democrats and patriots have been systematically betrayed through a combination of gullibility, wishful thinking, and the internal sabotage of Communist infiltrators and Communist sympathizers in the American and British foreign policy establishments. By contrast, Tito is described as motivated largely by personal greed and ambition, lacking any sense of patriotism. In her account, Tito's legacy is almost all black. Not surprisingly, she provides details of Partisan massacres during the war, but only alludes in passing to Ustasha and Chetnik massacres.

For Beloff, the national question was inconsequential prior to the advent of the Communists. "Until the massacres of the Second World War," she tells us, "there had been very little internecine strife between [Yugoslavia's] component nationalities" (p. 190). She forgets the armed resistance to annexation in Kosovo and Montenegro that broke out between 1918 and 1920 and the deep resentments being kindled in Croatia at that time. She finds that Mihailović—portrayed as a Serbian nationalist by most historians—was respected throughout the country including Croatia, and that Vlatko Maček, who as head of the Croatian Peasant party had been working simultaneously for either autonomy or Croatian secession from Yugoslavia, was popular among the Serbs, who allegedly gave him "deafening ovations." Since in her view the Serb-Croat conflict was being "resolved" in interwar Yugoslavia (p. 22), it follows that the continued ethnic frictions are the fault of the Communist party.

Structured around seven "myths" that Beloff wishes to puncture, the book does not contribute anything new factually. It is, for instance, generally accepted among serious western scholars who study Yugoslavia that self-management has been a disaster, that Tito was

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an unscrupulous politician, that the Partisans were often brutal, and that nonalignment has a clear anti-western edge. But her project of demonstrating conventional wisdom is only part of the picture: associated with that is her explicit resurrection of the myth of the "world Communist movement" of which, she assures us Yugoslavia is one of the most useful members (pp. 168, 188). For Beloff, however, western policy makers should base their foreign policy not on calculations of national self-interest or even on considerations of the immediate economic needs of Yugoslav society, but on a realistic assessment of the moral character and programmatic deficiencies of the Belgrade regime.

If Beloff had unearthed new archival sources, even this unremarkable project might hold some interest. But, alas, a check of her footnotes and bibliography reveals that well over 90 per cent of her material comes from English-language secondary sources. All in all, a most forgettable book.

PEDRO RAMET
University of Washington

China and the Superpowers by *Roy Medvedev. Translated by Harold Shukman New York; Basil Blackwell, 1986. 243 pp. $19.95.*

Roy Medvedev correctly notes in his introduction that despite the presence in the USSR of many qualified China specialists, Soviet publications on recent Chinese history and Sino-Soviet relations are tendentious and propagandistic (p. 3). Medvedev, a true rara avis—an independent Soviet Marxist historian—is well-known in the West for his critical study of Stalinism (*Let History Judge*) and other interesting works on Soviet history. In *China and the Superpowers* he attempts a nonpolemical survey of China's relations with the Soviet Union and the United States from roughly the era of the Bolshevik revolution to the present. Unfortunately, the result is an undistinguished book by a distinguished historian.

One sympathizes with Medvedev's complaint about the difficulty an independent Moscow-bound researcher faces in acquiring materials on his chosen subject. Indeed, it is remarkable that under the circumstances he has managed to stay as well informed as he has. Nonetheless, even the well-informed layman in the West, to say nothing of the specialist, will find little if anything of interest in the book. In fact, one would probably not read all the way through this book were its author not Roy Medvedev.

China and the Superpowers provides a mostly descriptive summary of Sino-American and Sino-Soviet relations based for the most part on newspapers and familiar secondary sources. The author has evidently made little use of his early postgraduate training as a China specialist. Medvedev's summaries are fairminded, reasonable, and quite unexceptional—that is, until one contrasts them with the standard Soviet versions. He provides little explanation for the vicissitudes of U.S.-China relations and has only a rudimentary understanding of the policy-making process in the United States. The long chapter on Sino-Soviet relations is marginally more interesting. Medvedev discounts the typical western national interest/historical conflict explanation of the Sino-Soviet conflict and suggests that the struggle for the leadership of the Communist world was the prime factor

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in the split. He stresses the existence in the early 1970s of a very real Soviet fear of war with China and the serious consequences for Moscow's foreign policy manifested in accelerated militarization to meet the perceived threat. (Most observers would argue that the Chinese had far more reason to fear the Soviets at this time.)

Medvedev is much more sympathetic to and understanding of China's post-Mao reform program than are the orthodox Soviet specialists. He asserts that despite the enhanced role for the West and Japan in contemporary China and notwithstanding the possibility of a significant improvement in Sino-Soviet relations via the route of economic cooperation, China will have to rely primarily on its own resources and efforts for development. His positive comments on the prospects for further Sino-Soviet amelioration are being steadily validated by events. Medvedev concludes with the observation that by pursuing an independent foreign policy, China may be a stabilizing factor in the international system—a point Chinese leaders would certainly endorse.

Medvedev has been poorly served by his translator, Harold Shukman, and his publisher. The work is replete with errors of transliteration, misspellings, incorrect names of organizations, wrong dates, and minor errors of fact too numerous to list. This is inexcusable as well as irritating. At a minimum the publisher might have engaged a western China specialist to read through the text and comb out the more egregious mistakes. In sum, this is a so-so book sloppily presented.

STEVEN I. LEVINE
American University

Afghanistan: The Soviet War. *by Edward R. Girardet. New York, St. Martins Press, 1985. 259 pp. $19.95.*

Since the beginning of the Soviet war in Afghanistan, the flow of information to the West has been scanty. The war is difficult to cover. Afghanistan's rugged mountain terrain presents geographical barriers that make travel difficult. The diffusion of events through the countryside obscures the ability to present comprehensive coverage of this guerrilla war. Political barriers are posed by Soviet policy, expressed by such warnings as that of the Soviet ambassador in Islamabad, that any journalists caught "illegally" inside Afghanistan would be "eliminated."

It is in light of the scarcity of reliable information on recent events, that this book is particularly valuable. The contents of the book are comprehensive, covering the guerrilla war, the resistance fronts, a history of Soviet-Afghan relations, the refugee problem, relief efforts, and other topics. Girardet reviews the landmark events in Afghanistan's recent history, explaining the events as well as the personalities involved. A compelling, journalistic style makes this book interesting reading.

Girardet has made six major trips into Afghanistan, reporting on the war for *The Christian Science Monitor*—once with an official visa and five times clandestinely with the resistance. Throughout the narrative one realizes that enormous risks were necessary for the

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author's first-hand observations. The extent of Girardet's research inside Afghanistan is paralleled by few other western journalists. The author is admittedly sympathetic to the anti-Soviet resistance, and yet endeavors to present a balanced account. His sympathy to the resistance does not affect his ability to analyze the difficulties it faces. Girardet presents a picture of politically fragmented Peshawar-based resistance groups lacking a single umbrella organization like the Palestine Liberation Organization. He argues that the real leadership is emerging from the field commanders inside the country. Although the long-term prospects may appear grim, the resistance continues to hold the major portion of the countryside.

Girardet traces the transformations in Soviet tactics, which include political as well as military techniques. The military aspect of the war is a well-documented history of terror, a policy of migratory genocide, merciless reprisals, and relentless aerial bombardments. Increasingly relied upon since 1982 are KGB political techniques including psychological and economic pressures, informers, agents, and granting of privileges to those who cooperate with the government.

Particularly interesting are Girardet's tales of ingenious Soviet ruses at the time of the invasion that helped neutralize potential opposition. For example, Girardet relates that Soviet advisers told the soldiers guarding the Kabul radio station that their tanks were to be replaced by newer models. Because of fuel shortages they needed to siphon off the diesel fuel so the new vehicles could be brought. Without fuel the tanks offered no resistance, and Soviet airborne troops then easily took the station.

A major source of frustration with this work is its lack of reference notes. Much valuable and interesting information leaves the reader questioning the author's sources. By eliminating footnotes and references, St. Martin's Press has aimed this work at the general public and not at the scholarly community. Since the depth of the author's research and the high level of this book would otherwise attract scholarly attention, the editorial decision not to include footnotes alienates academic readers.

Another problem was the lack of other supporting documentation, such as maps. A map of the Panjshir valley showing the places mentioned would help the reader follow the section on the battles in that region. Although a map of Afghanistan was included, it did not show many of the places mentioned in the text. A few typographical errors and inaccuracies in military terminology suggest that the publishers did not pay careful enough attention to this otherwise excellent book.

Readers of this book will gain the benefit of the author's great familiarity with the situation in Afghanistan. Its lively style and vivid narrative makes the events come alive. Girardet's recounting of the gruesome facts leaves the reader with a sense of outrage. The book gives an appreciation of the magnitude of this nasty war and a better understanding of the difficulties faced by all involved.

DARIA FANE
New York, New York

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Man of Defiance: A Political Biography of Anwar Sadat *by Raphael Israeli. Totowa, N.J., Barnes and Noble Books, 1985. 314 pp. $23.95.*

Many volumes and articles have been published about Anwar Sadat and about Egyptian politics under Sadat; some were informative, others insightful, many worth reading. But the literature lacked a systematic and thorough study of Sadat's political career. Israeli's attempt, therefore, is a welcome addition in that direction.

The author has already made a contribution to western students of Middle East politics in collecting and translating *The Public Diary of President Sadat*. This could have given Israeli an added insight into Sadat's career. Unfortunately, his earlier preoccupation with Sadat's statements and writings may have led the author to write what he called "an 'inner' and 'subjective' rather than 'outer' and 'judgemental' biography of Sadat," which to the social scientist is both problematic and less interesting. Nonetheless, the book is sufficiently comprehensive and informative to make it a useful addition to the literature on Sadat.

Israeli covers Sadat's life from childhood to death, with most of the focus on his tenure as president. Throughout the book one encounters little facts, insightful comments, and a good picture of the psychological environment in which Sadat operated. But the interpretations of Sadat's motives, while often lively and entertaining, are sometimes problematic. Even the attempt to capture, "subjectively," Sadat's inner inclinations seems hindered by an excessive reliance on Sadat's own statements. This is especially true since Sadat, by the accounts of those who admired him and those who disliked him alike, persistently dealt with cognitive dissonance by wishful thinking, denial of reality, and extreme rationalization. Yet, often in the book, Sadat's statements are represented as factually describing Sadat's inner motives.

The emphasis on personality characteristics, cultural orientation, and psychological motives seems to lead Israeli to some unlikely explanations of Egyptian foreign policy. While all these variables often play a role in shaping foreign policy, their relative relevance cannot be assessed without reference to other important variables, such as domestic and international politics. The author for example points out Sadat's apparent obsession with "honour." This leads him to conclude that, through the war of 1973, "Sadat's honour was restored . . . which enabled him to negotiate and ultimately make peace with Israel" (p. 76). But Sadat offered to make peace with Israel as early as 1971 and made many appeals for American mediation only to be turned down by Henry Kissinger. Only through the war was Anwar Sadat able to assure the superpowers' involvement in the conflict. Moreover, after Sadat launched his peace initiative in 1977, he refused to succumb to the wide-spread feelings in Egypt that Menachem Begin's behavior (what the Egyptians saw as Begin's "lack of response" to Sadat's initiative and Begin's settlement policy) was humiliating to Egypt; while many Arabs were accusing Sadat of having no honor, he persisted in his initiative to the end.

There are occasions when the author emphasizes domestic politics as an explanatory variable, but only at the costly exclusion of regional variables. Sadat's peace initiative, for example, is explained as largely stemming from the economic crisis in Egypt that led to major riots. But, it seems unlikely that, in addition to the economic crisis that prevailed in Egypt, Sadat would also risk a serious political crisis by his controversial initiative.

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Moreover, when Saudi Arabia offered to replace all the economic aid promised by the United States if Egypt abandoned its policy, Sadat rejected the offer.

Israeli cannot be unaware of these difficulties. Rather, it seems that he has chosen not to write an analytical social-scientific account, but a lively narrative that appeals to a wide audience. Yet given the amount of relevant information provided, the many perceptive remarks by the author, and the impressive range of the book, Israeli's work is a useful contribution.

SHIBLEY TELHAMI
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France, the Soviet Union, and the Nuclear Weapons Issue *by Robin F. Laird. Boulder, Colo., Westview Press, 1985. 142 pp. $15.95.*

This slim, informed volume provides a useful review of France's nuclear policies and its reaction to Soviet modernization of its theatre nuclear systems in Europe. Of equal value is Laird's summary of Soviet thinking, culled from the writings of Russian experts on West European foreign and security policy and from governmental pronouncements about the role played by France in NATO and European defense.

We know quite a bit about French strategy and forces, but far less about what the Russians think about them. Laird fills in important gaps in our knowledge. The approach is a departure from most writing on French security policy. It sheds light on the likely limits of French strategy as a function of Soviet perceptions and planning and of Moscow's efforts to frustrate and defeat French forces.

Revealing are the reproduction of Soviet maps depicting the main airfields on the central front (p. 109). The Soviets apparently make no distinction between French, German, Italian, and Benelux targets. Despite continued French protestations of independence, Soviet planners view French forces, particularly their conventional elements, as integral, if not integrated, parts of NATO's military posture. The Socialist government's creation of a rapid action force (*Force d'Action Rapide*, FAR), composed of mobile, high-firepower elements organized around concentrated helicopter units, has reinforced Soviet skepticism of French independence. FAR is designed to enhance France's capacity to join the forward battle for Europe if a French president decides to engage French forces. NATO, however, will be obliged to continue planning on French forces only as possible reserves, while Soviet planners appear to be banking on their early use. "Based on Soviet perceptions of the French force posture," Laird observes, it is probable that Soviet military planners have concluded "that French forces will be involved in NATO's conventional operations" (p. 110).

France has apparently succeeded in convincing the Soviet Union about the independence of its nuclear deterrent. Much of the Soviet motivation in launching a diplomatic offensive against American deployment of theatre nuclear weapons was aimed at slowing and stopping the expansion and modernization of European strategic systems. In this respect Moscow has not only failed, but it also confronts the prospect of a growing European center of

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military power equal to its economic and political weight. Here may lie the long-term significance of the *force de frappe*—as the core of an independent European defense effort. While some Soviet strategists are comforted by this development as a sign of capitalism's inner contradictions, others are more wary. What might well emerge, as President Charles de Gaulle envisioned a generation ago, would be a coalition of two strong and equal centers of decision on both sides of the Atlantic, both in loose coalition and competition, but not necessarily in conflict and each opposed to Soviet expansion. Meanwhile, closer French-German collaboration in arms production and planning draws France closer to NATO as Bonn acts as a bridge between Paris and Washington.

Laird's comparison of French and Soviet thinking and their mutual preparations to deter each other's forces and to extract political benefits from their military postures and deployments adds new dimensions to our understanding of European security problems. In drawing on French and Russian sources, his work, while of modest proportions, sets a high standard for other analysts of European security issues.

EDWARD A. KOLODZIEJ
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Liberalism and American Constitutional Law *by Rogers M. Smith. Cambridge, Mass., Harvard University Press, 1985. 328 pp. $22.50.*

America's political values are in disarray, concludes Rogers M. Smith. If they are to be rendered philosophically defensible and politically desirable, they must be reformulated; that is the goal of this ambitious and reflective work.

Wishing as much to "articulate significant strains in actual governmental discourse" (p. 5) as to develop a coherent theory, Smith takes an approach far more empirical and historical than has been the fashion in contemporary liberal theory. His focus is the American Constitution—its intellectual foundations, evolving interpretations by the judiciary, and current problems. Though constitutional meaning remains secondary to his primary quest for a defense of American liberalism, the result is one of the most sophisticated of the many recent attempts to develop a general theory of the Constitution.

Smith begins with an analysis of John Locke's philosophy, which he regards as the best example of the "Enlightenment liberalism that most heavily shaped the framing of the American Constitution" (p. 13). He finds this vision attractive but deficient, for liberalism fails to justify its aims for modern political life (p. 63). He explores four constitutional areas—due process, freedom of speech, voting rights, and economic welfare—to demonstrate the debilitating effect of this deficiency. In each case, incoherent or implausible divine and natural law justifications for liberalism give way to vague notions of consent, based on "democratic relativism" or "romantic" critiques of liberalism. Contemporary constitutional law is thus shown to display the disarray of American political thought.

Of the currently articulated routes promising constitutional coherence, Smith finds none that is satisfactory. The "democratic relativism" of John Hart Ely and Alexander Bickel provide no safeguard against majoritarian abuse. The revived "higher law" theories of John Courtney Murray and the early Walter Berns are portrayed as benighted efforts "to restore

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the absolutist orthodoxies of the past" (p. 184). Toward the "Neo-Kantians," especially John Rawls and his concept of "equal respect," Smith is much more sympathetic. He maintains nonetheless that the theory of "equal respect," assigned to all on the basis of the moral potential of all, is unworkably formal and must consequently fail to deliver its preeminent social good (which Smith also embraces) of "self respect" (p. 187). On the other hand, Smith believes that a theory offering more substantial reason for according individuals respect than the vacuous notion of moral potential may engender invidious comparisons destructive of self-respect. Still he considers it possible to articulate a substantive standard, grounded in the epistemology of John Locke, that emphasizes "noncompetitive traits" and thus makes possible a "secure and noncompetitive sense of self worth" (p. 200). This is the concept of "reflective self-direction, or rational liberty" (p. 198). If accepted, the standard requires that "we must always strive to maintain in ourselves, and to respect in others, [the] capacities for deliberative self-guidance and self-control. Correspondingly, we must see the habitual exercise of these capacities as constituting morally worthy character and their enhancement as constituting morally praiseworthy action" (p. 200).

As Smith describes the concept of reflective self-direction it poses little danger either of thwarting diversity or provoking anxiety about self-worth. In fact, though Smith is anxious to distance his "Neo-Lockean" theory from that of the Neo-Kantians (pp. 217–225), many readers, I suspect, will find little to distinguish "reflective self-direction" from Rawls's "rational life plans." "The standard itself implies that all people should not [sic] make the cultivation of their rational capacities their single goal, for most persons are sufficiently multifaceted to find such a course so narrow and frustrating as to be self-defeating. Furthermore, differences in individual abilities, temperaments, and tastes mean that people will, on reflection, make different choices about the activities that are most likely to lead them to satisfactions consistent with continued self-direction . . . . For the most part, it encourages people to be themselves" (pp. 200–201).

Though not always eloquently stated, Smith's theory is constructed honestly and carefully, mindful of the limits of its claim to constitutional authority (pp. 226–230). Still, one must doubt how significant is the strain of thought in "governmental discourse" that Smith articulates. One might question, for instance, his claim that rational liberty as he defines it formed "the core of the liberal political and moral vision" (p. 200). He does draw the concept from a passage in Locke's *Essay on Human Understanding*. But as he admits (p. 203), Locke does not elaborate this idea of rational liberty, justify it, or give it conspicuous presence in his explicitly political work. Also, one must wonder how deep are its ties to the American political tradition if, as his careful historical analysis of constitutional reasoning indicates, rational liberty has not been a pronounced dimension. Further, as the central component of a *political* theory, the concept of rational liberty is curiously *psychological*; the connection between self-government in the personal sense and self-government in the political sense is underdeveloped. Finally, one must wonder about the ultimate ground of rational liberty; if Smith did not intend it to be the case, the reader must be forgiven for thinking that rational liberty is valued because it offers a noncompetitive basis of respect, not because it is inherently respectable.

STANLEY C. BRUBAKER
Colgate University

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Toward a More Effective Defense: Report of the Defense Organization Project *edited by Barry M. Blechman and William J. Lynn. Cambridge, Mass., Ballinger, 1985. 247 pp. $24.95.*

Reform of the American military establishment was badly needed. Such was the conclusion drawn by a small but politically significant number of civilian bureaucrats, consultants, members of Congress, and active-duty and retired military professionals in the late 1970s. By the early 1980s, the defense reform movement not only had grown in size but also had succeeded in bringing several change proposals into public forums for discussion and debate. The volume under review includes a collection of such proposals, with supporting analysis.

Sponsored by the Center for Strategic and International Studies of Georgetown University, the Defense Organization Project began its work in 1983 under the guidance of a blue-ribbon steering committee headed by Philip Odeen, Andrew Goodpaster, and Melvin Laird. The eleven chapters in the volume include the conclusions and recommendations of the steering committee, reports of four working groups, and commentary by several knowledgeable and experienced individuals who were invited to write papers for the project.

It is testimony to the political savvy as well as to the analytical skill of the authors in this volume (and more broadly of the defense reform movement) that many of its recommendations already had become incorporated into legislation or executive order by mid-1986. For example, House Resolution (HR) 3622, adopted by an overwhelming majority in the House in November 1985 and in slightly modified form by a 95–0 vote in the Senate in May 1986, includes the following features anticipated in proposals in this volume. First, the seven military commanders-in-chief (CINCs) with responsibilities for geographic regions are to be assured of full command of the units from various services assigned to them. Such command will include the right to select and to relieve subordinate commanders, to organize their forces as the CINCs see fit, and to have direct input into the determination of the budget for these forces. Second, in order to counter service parochialism, military officers are to be permitted and encouraged to specialize in joint-service assignments at a point roughly in mid-career. Third, the office of the chairman of the Joint Chiefs of Staff (JCS) is to be strengthened, with the chairman now serving as principal military adviser to the president rather than to the chiefs as a corporate body. The staffs of the individual chiefs are to be reduced in size, with a vice chairman of the JCS appointed senior to the individual service chiefs. Fourth, a new office of undersecretary of defense for acquisition is to be appointed.

Recommendations of the president's Blue Ribbon Commission on Defense Management (the Packard Commission), submitted in preliminary form in February 1986 with followup reports in ensuing months, paralleled many of the changes called for in HR 3622 and many of those recommended in the volume under review. The intellectual linkage between the Defense Organization Project (DOP) and the Packard Commission is direct, with DOP Steering Committee members William C. Perry and R. James Woolsey being two of the five civilian members of the Packard Commission. As the DOP studies emphasize, effectiveness in American national security affairs requires reform not only of the executive branch but also of congressional organization and procedures. However, as acknowedged

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in the skeptical tone of the report of the working group headed by Alice Rivlin and of the chapters by Robert Art and by John Hamre, Congress is likely to display less enthusiasm for self-reform than for alteration of the Defense Department and the JCS.

This book clearly has been overtaken by events. But of course that was the goal of those who contributed to writing it.

JOHN P. LOVELL
Indiana University

The Rise and Decline of the Zairian State *by Crawford Young and Thomas Turner. Madison, University of Wisconsin Press, 1985. 500 pp. $37.50.*

As the authors note, this book has a long history, but it was well worth the wait. In effect, it is the sequel to Young's magisterial 1965 book on the Congo. This fine new book, by two very knowledgeable and experienced Zaire hands, is equal in sweep, vivid detail, and subtle analysis. It focuses primarily on the 1965–1980 period but with frequent illuminating reference to the long shadows cast over the New Regime of Mobutu Sese Seko by the Bula Matari (breaker of rocks) colonial state and the *pagaille* or disorder of the First Republic.

The authors indicate at the very beginning that state decline is a central theme of their book. In Chapter 1 they provide a useful discussion of the notion of the state and delineate two cycles of rise and fall for the state in what is now Zaire—a period of rise from 1885 to 1958, followed by a period of decline from 1958 to 1965, then a second rise from 1965 to 1974, followed by a second period of decline. The 1965–74 rise phase is made up of four stages: the seizure of power in 1965, a period of consolidation until June 1967, then a period of ascendancy from late 1967 to 1970, and finally a period of state expansion from 1970 to 1974. Then comes the fifth stage of crisis, decline, and decay. In describing these stages, the authors usefully employ the notion of state imperatives, which constitute reasons of state—those of security, autonomy, legitimation, and revenue.

Chapters 3 through 5 are particularly strong in analyzing important changes and "fault lines" in society and the role of the state in them—rapid urbanization, rural impoverishment, and the complex interrelationships between class, ethnicity, clientelism, and interest. Chapters 6 through 9 deal in illuminating detail with the patrimonial and personalist state, its ruler and his mechanisms of control, the ruling "politico-commercial class," the single-party apparatus and its attempts at legitimation, territorial administration, and the state's coercive instruments. Chapters 10 through 12 focus on political economy—unwise spending habits, the agrarian crisis, and efforts at economic nationalism, especially the disasterous Zairianization saga. They also treat the debt and financial crises and how they relate to the complex geopolitical and strategic games that Mobutu plays so well. The brief final chapter provides an assessment of the nature and decline of the Mobutist state.

As a source of information the book is extraordinary, and its overall framework focusing on the state and its imperatives in the context of patrimonial and personalistic rule and external dependence is right on target. The use of the notion of rise and decline is, however, a bit overdrawn and thus partly misleading. Rise and decline are not sequential, cyclical

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phenomena, but rather simultaneous ones. The state is both authoritarian and soft; it is a lame leviathan. It was not so much that the crisis that began in 1974 "brought on" the "era of decline" (p. 399) as that the ongoing decline in the competence and probity of the state, which in turn lessened its credibility, helped to produce the crisis. This is in effect an ongoing patrimonialization of the Africanized Bula Matari colonial state. Neither competence nor probity in Mobutu's state are ever demonstrated from which a decline could take place. The authors note that "however weak the state has become in certain respects, it retains the ability to prevent the active organization of resistance" (p. 405). It is thus still an ascendant state with simultaneously declining competence and probity.

Despite this one reservation, this impressive book, a treat for specialist and nonspecialist alike, will stand out as a jewel in the now burgeoning new literature on Zaire.

THOMAS M. CALLAGHY
Columbia University

In Pursuit of Power: Southern Blacks and Electoral Politics, 1965–1982 *by Steven F. Lawson. New York, Columbia University Press, 1985. 391 pp. $30.00.*

In this sequel to his 1976 book *Black Ballots: Voting Rights in the South, 1944–1969*, Steven Lawson carries the story of the struggle for black enfranchisement through the early 1980s. The author skillfully portrays the operation of nearly all of America's political institutions—the Congress, presidency, courts, bureaucracy, state and local entities, political parties—as they grappled for seventeen years with the implementation and extension of the landmark Voting Rights Act of 1965. The nimble manner in which Lawson shifts from one arena to another effectively captures the dynamics of the American political system. Thus, beyond the book's substantial contribution to its topic, it could serve well to introduce students to the complexities of the policy process.

Based on extensive manuscript research the first third of the book presents a detailed account of the Johnson administration's effort to enforce the act without a massive display of federal power. Lawson credits the Democrats with making "a cautious advance" despite rapid shifts in public attitudes: "Buffeted between escalating black militancy and white reaction, the Johnson administration pushed the limits of reform to the breaking point" (p. 64).

Half of the remainder of the book centers on the twists and turns in the legislative struggles over extension of the act in 1970, 1975, and 1982. The author describes the Nixon administration's unsuccessful attempt to weaken the act by proposing national application of its major provisions, a strategy that moved Emanuel Celler to remark, "I think it is like saying because you have a flood in Mississippi you have to build a dam in Idaho" (p. 137). A chapter, entitled "The Consensus Holds," relates President Gerald Ford's clumsy advocacy of nationwide expansion of the act, a last-minute reversal of his previous position that "nearly wrecked" renewal (p. 248). The Reagan administration in 1981–82 did not advocate all that voting rights activists wanted. But the Reagan position compared to its predecessors, along

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with the relative ease of this last extension (which carries key provisions into the next century), demonstrated the existence of broad support for the central thrust of the legislation.

Lawson also presents in illuminating detail the Justice Department's uneven use of the act's preclearance provision, a critical, judicially expanded safeguard against vote-dilution devices. The emphasis is on the Nixon and Ford years with Carter's term receiving scant attention. The author praises the career lawyers of the Civil Rights Division—"a dedicated and resourceful band of attorneys who . . . were able to spot sophisticated practices designed to diminish the influence of the black electorate" (pp. 189–90)—for maintaining the momentum of the Johnson term.

Readers drawn to the book by the promise of its subtitle expecting to find extensive treatment of southern black electoral behavior will be disappointed. The book does consider in several middle chapters how successful blacks have been in using the ballot. But the focus is on the efforts of blacks to elect blacks to public office to the near exclusion of their importance in electoral coalitions.

Toward the end of the book the author notes the limits of franchise reform: "[I]t had not yet brought economic equality to the mass of southern blacks" (p. 272). If the pursuit of economic equality should come to dominate the future agenda of southern politics, as many of us hope it will, Lawson will have a dramatic and exciting theme for a possible sequel to this fine sequel.

ALEXANDER P. LAMIS
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Military Rule in Chile: Dictatorship and Oppositions *edited by J. Samuel Valenzuela and Arturo Valenzuela. Baltimore, Johns Hopkins University Press, 1986. 331 pp. $35.00.*

This book is a product of a 1980 conference organized by the Latin America Program of the Woodrow Wilson International Center for Scholars in Washington, D.C., a center that has served as a haven for many Chilean and other Latin American political and intellectual exiles during the last decade. The book thus exhibits a double bias: those of the Wilson Center at that time (largely a Carter government-in-retirement, waiting for the call to return) and of the Chilean exile community which is, predictably, more sympathetic to the Marxist government of Salvador Allende than to the dictatorship of Augusto Pinochet.

The book's premise is valid: there have been far more studies of the Allende experience in Chile than of the Pinochet years and it is time to fill the void. But the biases of the contributors are so pronounced that this purpose is only partially fulfilled. The editors' own thesis and position set the tone: the Marxist regime of Allende represented continuity in the Chilean tradition, while the military government that came to power in 1973 was a sharp break with the past. All the contributors follow this lead by providing sometimes elaborate rationalizations of the Allende regime and sharp criticisms of Pinochet. There is not a single contribution in this book from the point of view of the Pinochet regime

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or its supporters. Admittedly, the Pinochet regime is hardly loveable, is something of a pariah in the hemisphere, and has few articulate defenders; but surely there are more sides to the Chilean story and other points of view besides those contained in this book.

Having noted some of the biases in the book, it must also be said that it is rich in insights. Alejandro Foxley's essay on the failures of Chile's "Chicago-school" neoconservative economic changes and Ricardo Ffrench-Davis's on the excessive and ill-timed trade liberalization are must reading. Pilar Vergara shows how the economic role of the state was reduced under Pinochet, while its political and authoritarian powers were vastly increased. Genaro Arriagada Herrera has an excellent and innovative chapter on the legal and institutional framework of the armed forces.

Both Manuel Antonio Garretón as well as the editors have fascinating, fact-filled chapters on the dynamics between the regime and its various oppositions, using the concepts of comparative studies of authoritarianism while also showing how the Chilean case was distinctive. They demonstrate how an authoritarian and exclusionary regime was frozen in place, how it failed to build the "new Chile" that it desired, and yet how earlier policies prevent either a graceful exit or the hope of a quick democratic transformation. There are useful chapters on the trade union movement, on the Catholic Church by Britain H. Smith (available also in Smith's book on the subject), and on Chile's foreign relations by Heraldo Muñoz.

In addition to the political biases mentioned, as well as the faults of both repetition and internal contradiction, the book also has some methodological axes to grind. The editors take pains to eschew explanations derived from political culture, yet their own description of Chile as a "Catholic country" and the analysis flowing from that seem to belie their earlier disclaimer. They similarly claim in their introduction that Chile under Pinochet is not a corporatist regime, but their own explanation of both the ideology and the labor relations structure of the regime indicates that it is just that, at least in part.

There is a long and sometimes arrogant tradition in Chile, aimed as much at impressing the outside world as at feeding the Chileans' own sense of superiority, that Chile is "different," not like the other Latin American countries. These attitudes are strongly present in this book, leading to numerous errors of interpretation and omission. Chile is of course a unique case, but these differences have been often overstated. One suspects that in Chilean historiography (including in this book) the democratic features and traditions of the country have been oversold and overstated (for both domestic and foreign consumption), while the authoritarian and corporatist features have been understated and certainly understudied. Hence we still await the full, comprehensive, and above all balanced study of Chilean political development that is so surely needed.

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The Abandonment of the Jews: America and the Holocaust, 1941–1945 *by David S. Wyman. New York, Pantheon, 1984. 444 pp. $19.95.*

The Jews of occupied Europe felt abandoned. That is a fact. They were certain that they mattered to no one and that they could count on no one. Their fate did not in the least weigh in the balance. The Allies, still at war against their common enemy, Hitler's Germany, weren't going to interfere at all to save them or at least to save certain ones among them. Events, unfortunately, seemed to give them reason. When the German armies were winning, things went badly for the Jews; when they were losing, things went badly for the Jews. The death factory at Birkenau attained its highest yield during and after the debacle at Normandy. Of all the promises Hitler had made to his people, he was ready to hold onto only one: that which is euphemistically called "The Final Solution" of the Jewish problem. In this book, the proofs furnished are irrefutable: marked by the executioner, European Jews were most often deliberately abandoned by those whom they had considered their friends and defenders.

Historian, philosopher and moralist, David Wyman has devoted many years to study this tragedy. His documentation is striking, his comprehension admirable. He follows the killer who advances toward his victim, and also the world that turned its back, thus enabling the unleashing of the monstrously efficacious and scientifically rigorous mechanism for the putting to death of a people. He demonstrates that in the capitals of the free world they knew Treblinka was something other than the name of a little village. And yet, they let it be.

The useless Bermuda Conference. The woeful politics vis-à-vis refugees. The refusal to bomb the railway lines leading to Auschwitz. The incomprehensible quarrels among Jewish leaders and organizations. David Wyman disturbs us with his revelations. The reader yields to the evidence: the Jews were indeed alone in those times. Unhappy indeed. Forgotten by God, disowned by man, they existed only for the executioner.

ELIE WIESEL
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Translated from the French by
Martha Liptzin Hauptman

The Politics of Language: Liberalism as Word and Symbol *by Ronald D. Rotunda. Iowa City, University of Iowa Press, 1986. 136 pp. $14.95.*

This is an odd book. Daniel Schorr, late of CBS and Ted Turner's Cable News Network, notes in a page-and-a-half introduction that the meaning of words changes. Agreed. The twelve-page afterword, purporting to represent the positions held in common by M. H. Hoeflich and Rotunda, claims portentously that Rotunda's enterprise evolves out of meditation upon H. L. A. Hart's *The Concept of Law*, the importance of the economic ap-

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proach to law, and the attention given by the Critical Legal Studies group to the application of linguistic tools to the interpretation of judicial reasoning.

Rotunda's own ninety-five pages—at most a medium-sized law review article—hastily survey British nineteenth-century changes in prevailing denotations and connotations of liberalism as a label. What is said is entirely familiar. Liberalism did drift from Benthamite utilitarianism and Manchester attachment to free trade and freedom of contract toward an attachment to an embryonic welfare state. Rotunda adds nothing substantial to this oft-told tale.

Nor does his rendering of the American experience contribute much more. Herbert Croly, Walter Lippmann, and *The New Republic* assume their customary featured roles. The failed effort of Herbert Hoover to revive early nineteenth-century conceptions of liberalism and the successful adoption of the label by Franklin Roosevelt are equally familiar to even casual students of American political history.

Certainly labels are important instruments of political struggle. Good words are up for grabs by competing parties. Conservative now is a better word than liberal. For Reaganites, supply-side economics sings a more beautiful tune than demand-side economics. Is any of this worth writing even a short book about? The afterword alleges that Rotunda's essay is a case study illustrative of the three intellectual influences Hoeflich identifies. I doubt that any reader, certainly not this one, who didn't examine the afterword first, would have suspected that Rotunda was engaged in semiological or structuralist analysis. Perhaps one ought be grateful.

ROBERT LEKACHMAN
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When Russia Learned to Read: Literacy and Popular Literature, 1861–1917 *by Jeffrey Brooks. Princeton, N.J., Princeton University Press, 1985. 450 pp. $37.50.*

In 1897, barely 21 percent of Imperial Russia's population was literate; that figure doubled within fifteen years. It reflected, and also contributed to, the country's rapid industrialization and overall modernization at the turn of the century which, if continued at that pace, would have transformed Russia from a backward agrarian giant into one of the world's leading technological powers even without the Revolution and the terrible human costs entailed in the years that followed. The giant strides in literacy (uneven, of course, higher in the cities and among men than in the countryside or among women) triggered a corresponding explosion in publishing. In 1895, over 11,000 titles were produced, with a total press run of some forty million copies. Both figures trebled by 1912.

Not surprisingly, the newly literate peasants and the urban poor did not all at once join the ranks of devotees of Russia's "high" culture. What is often unappreciated, by contrast, was that an overwhelmingly illiterate nineteenth-century Russia could produce a Pushkin and a Gogol, a Dostoevsky and a Tolstoy. The bulk of them preferred simpler fare—adaptations of folk stories; tales of travel, crime, and adventure; sentimental romances;

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and translations of West European thrillers—from Eugene Sue's *Mysteries of Paris* and G. W. M. Reynold's *Mysteries of London* to blood-curdling cliffhangers involving Nat Pinkerton. Curiously, a seemingly insatiable appetite for accounts of exploits of resourceful detectives continues in the USSR to the present. Incredibly, in the absence of satisfactory domestic products, Soviet citizens may well be the world's leading devotees of Sherlock Holmes.

Jeffrey Brooks's erudite and fascinating study traces the history of the popular books that entertained and instructed, reflected, and helped shape the values of millions of newly literate Russians, particularly during the last three decades of the Romanov empire. It is social and cultural history at its best. Among the book's foremost virtues is the author's consistent effort to penetrate the naive and sometimes tasteless exterior of the chapbooks and the potboilers in order to distill from them the essence of that which, in Tolstoy's words, men live by. Thus, for instance, he identifies the four themes of popular fiction as freedom and rebellion, national identity, science and superstition, and success. Brooks courageously defies the mandatory literary and scholarly contempt for Anastasia Verbitskaya (1861–1928), the foremost purveyor of what was once known as the "woman's novel." At one time Verbitskaya was *the* most-read author in Russia's libraries and reading rooms. In discussing her novels Brooks discerns in Verbitskaya's admittedly purple prose considerable educational value for readers with little formal schooling, and even credits her with an exceptionally rare virtue in Russian letters, namely a sympathy for the plight of the Jews. Indeed, risking nearly universal outrage, Brooks discerns an important similarity between Verbitskaya's creations and Maxim Gorky's fictionalized autobiography. Both, as he rightly notes, "are stories of success structured around talent and its discovery, and readers responded enthusiastically to this common element in both" (p. 284). Both were tales of victory over adversity.

Jeffrey Brooks underestimates somewhat the role in popular Russian fiction of cultural imports. Thus, in M. D. Klefortov's *Sonya the Golden Hand* (based, incidentally, on the life story of a real criminal), the heroine "achieves renown by setting up a school for thieves in London" (p. 236): the parallels with Charles Dickens's *Oliver Twist* are all too obvious. Similarly, *The Tale of Prince Bova*, which existed in manuscript form for centuries prior to its publication in 1916, was of venerable western origin. It was a Russified version of the chivalrous French romance of Buève d'Hanstone composed during the Crusades.

As Brooks perceptively notes, the mildly hedonistic, materialistic, and individualistic values of popular literature "were unsettling both to defendees of the traditional Russian social structure and to proponents of radical visions of an egalitarian society" (p. 296). In the final analysis, "criticism from clerics, state bureaucrats, westernizers, the populists, liberal enlighteners, and Marxists varied in intensity and with time, but most were united in the view that the lower-class reader and the market could not be left alone to determine the literary fare of 'the reader from the people' " (p. 298). The ultimate result, of course, is now here for all to see. The artistic merit of potboilers of Socialist Realism is no greater than that of their pre-Soviet antecedents. They are, moreover, politically doctrinaire and often also psychologically unbelievable.

Prerevolutionary popular fiction, which "pedagogues and other educated Russians thought were pernicious, proved to be full of useful information. In this respect, the Russian case

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can serve as a lesson for our own time. Those who argue that the path to modernity can be smoothed in developing countries through state control over the circulation of the printed word can learn from the Russian experience" (xxi-xxii).

MAURICE FRIEDBERG
University of Illinois at Urbana-Champaign

REFERENCE BOOKS AND SOURCE MATERIALS RECEIVED

African Economic Handbook *by Michael Hodd. London, Euromonitor Publications, 1986. 335 pp. $80.00.*

Congressional Staff Directory, 1986 *edited by Charles B. Brownson. Mt. Vernon, Va., Congressional Staff Directory, Ltd., 1986. 1209 pp. $45.00.*

Criminal Justice Research in Libraries: Strategies and Resources *by Marilyn Lutzker and Eleanor Ferrall. Westport, Conn., Greenwood Press, 1986. 167 pp. $37.50.*

Foreign Relations of the United States, vol. 1: Vietnam, 1958–1960 *compiled by the U.S. Department of State. Washington, D.C., U.S. Government Printing Office, 1986. 774 pp. $18.00.*

Foreign Relations of the United States, vol. 4, 2 parts: Europe, Political and Economic Developments, 1951, *compiled by the U.S. Department of State. Washington, D.C., U.S. Government Printing Office, 1986. 1890 pp. $30.00/set.*

Foreign Relations of the United States, vol. 9, 2 parts: The Near and Middle East, 1952–1954 *compiled by the U.S. Department of State. Washington, D.C., U.S. Government Printing Office, 1986. 2651 pp. $45.00/set.*

Middle East Economic Handbook *by Stuart Sinclair. London, Euromonitor Publications, 1986. 487 pp. $80.00.*

World Armaments and Disarmament: SIPRI Yearbook, 1986 *edited by the Stockholm International Peace Research Institute. New York, Oxford University Press, 1986. 611 pp. $55.00.*

World Development Report, 1986 *edited by The World Bank. New York, Oxford University Press, 1986. 256 pp. Cloth, $26.00; paper, $9.95.*

World Economic Outlook, April 1986. *Washington, D.C., International Monetary Fund, 1986. 268 pp. $15.00.*

World Resources, 1986 *edited by World Resources Institute and International Institute for Environment and Development. New York, Basic Books, 1986. 353 pp. Cloth $32.95; paper, $16.95.*

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